

Table of Contents

ARTICLE I General Provisions.....	3423
§ 230-1. Title.....	3423
§ 230-2. Purpose.	3423
§ 230-3. Applicability.	3423
§ 230-4. Interpretation of provisions.	3423
ARTICLE II Terminology	3424
§ 230-5. Definitions and word usage.	3424
ARTICLE III Zoning Districts.....	3433
§ 230-6. Districts enumerated.	3433
§ 230-7. Zoning Map.	3433
§ 230-8. Location of district boundary lines.	3433
§ 230-9. Lots in more than one district.	3433
§ 230-10. Interpretation of district boundary lines.	3434
§ 230-11. Extension of districts when public way is abandoned.	3434
§ 230-12. Annexed territory.....	3434
ARTICLE IV General Regulations.....	3434
§ 230-13. Conformance required.	3434
§ 230-14. Continuation of existing uses.	3434
§ 230-15. Nonconforming uses.....	3435
§ 230-16. Unsafe buildings.	3436
§ 230-17. Lots.	3436
§ 230-18. Accessory structures in residence districts.	3436
§ 230-19. Reduction of required yard prohibited.....	3437
§ 230-20. Off-street parking and loading.....	3437
§ 230-21. Transitional uses.	3437
§ 230-22. Front yard depth.....	3437
§ 230-23. Courts.....	3438
§ 230-24. Yard requirements along zoning boundary lines.	3438
§ 230-25. Traffic visibility across corner lots.....	3438
§ 230-26. Conversion for dwelling purposes.....	3438
§ 230-27. Essential services exempted.	3438
§ 230-28. Distance requirements.	3439
§ 230-29. Temporary buildings, portable storage containers, roll-off trash containers....	3439
§ 230-30. Floor area for single-family dwelling.	3440
§ 230-31. Fuel Storage Tanks.	3440
ARTICLE V R-1 Residence District	3441
§ 230-32. Applicability.	3441
§ 230-33. Principal permitted uses.....	3441
§ 230-34. Conditional uses	3441
§ 230-35. Accessory uses.....	3443
§ 230-36. Height regulations.....	3443
§ 230-37. Area, yard and bulk regulations.....	3443

§ 230-38. Parking regulations and facilities; recreational vehicles.	3444
ARTICLE VI R-2 Residence District	3444
§ 230-39. Applicability.	3444
§ 230-40. Principal permitted uses.....	3444
§ 230-41. Conditional uses.	3444
§ 230-42. Accessory uses.....	3447
§ 230-43. Height regulations.....	3447
§ 230-44. Area, yard and bulk regulations.....	3447
§ 230-45. Parking regulations and facilities; recreational vehicles.	3448
ARTICLE VII R-3 Multifamily District.....	3448
§ 230-46. Applicability.	3448
§ 230-47. Principal permitted uses.....	3448
§ 230-48. Conditional uses.	3449
§ 230-49. Accessory uses.....	3451
§ 230-50. Height regulations.....	3452
§ 230-51. Area, yard and bulk regulations.....	3452
§ 230-52. Parking regulations and facilities; recreational vehicles.	3453
§ 230-53. Multifamily developments.....	3453
§ 230-54. Townhouses.	3455
ARTICLE VIII Planned Redevelopment District (PRD) Floating Zone.....	3458
§ 230-55. Purpose and Intent	3458
§ 230-56. Applicability	3458
§ 230-57. Principal permitted uses.....	3458
§ 230-58. Conditional Uses.....	3459
§ 230-59. Development Standards.....	3459
§ 230-60. Procedure for Approval of a PRD District Floating Zone Amendment and Master Development Plan Approval.....	3460
ARTICLE IX B-1 Shopping District	3465
§ 230-61. Site plans; applicability.	3465
§ 230-62. Principal permitted uses.....	3465
§ 230-63. Conditional uses.	3466
§ 230-64. Accessory uses.....	3468
§ 230-65. Use regulations; prohibited uses.....	3468
§ 230-66. Area, yard and bulk regulations.....	3469
§ 230-67. Height regulations.....	3469
§ 230-68. Downtown Central Business District.	3469
ARTICLE X B-2 General Business District.....	3469
§ 230-69. Site plans; applicability.	3469
§ 230-70. Principal permitted uses.....	3469
§ 230-71. Conditional uses.	3471
§ 230-72. Accessory uses.....	3475
§ 230-73. Use regulations; Prohibited Uses.....	3475
§ 230-74. Height regulations.....	3476
§ 230-75. Area, yard and bulk regulations.....	3476
ARTICLE XI M-1 Light Industrial District.....	3476
§ 230-76. Purpose.	3476

§ 230-77. Site plans.....	3476
§ 230-78. Principal permitted uses.....	3477
§ 230-79. Conditional Uses.....	3478
§ 230-80. General standards and requirements.....	3483
§ 230-81. Height regulations.....	3486
§ 230-82. Prohibited uses.....	3486
ARTICLE XII RESERVED	3487
ARTICLE XIII Parking, Loading and Use Regulations	3487
§ 230-85. Off-street loading spaces.	3487
§ 230-86. Off-street parking areas.	3488
§ 230-87. Filling stations, public garages and parking lots.	3492
§ 230-88. Motels.	3493
§ 230-89. Temporary buildings; recreational vehicles.	3493
§ 230-90. Billboards and other signs.	3493
§ 230-91. Site plans.....	3494
ARTICLE XIV Exceptions and Modifications.....	3495
§ 230-92. Applicability.	3495
§ 230-93. Height regulations.....	3495
§ 230-94. Existing lots of record.....	3496
§ 230-95. Lot area.	3496
§ 230-96. Front yards.....	3496
§ 230-97. Through lots.....	3496
§ 230-98. Rear and side yards.....	3497
§ 230-99. Other exceptions to yard requirements.	3497
ARTICLE XV Administration and Enforcement	3498
§ 230-100. Zoning Inspector; licenses and permits.	3498
§ 230-101. Zoning certificates and building permits.....	3498
§ 230-102. Violations and penalties.....	3499
§ 230-103. Additional remedies.....	3499
ARTICLE XVI Board of Appeals	3500
§ 230-104. Appointment; terms of office; vacancies; powers and duties; qualifications.	3500
§ 230-105. Organization; records; assistance.	3500
§ 230-106. Appeals.	3500
§ 230-107. Powers and duties of Board of Appeals.....	3501
§ 230-108. Guidelines for decisions by the Board.....	3504
§ 230-109. Effect of approval.	3505
ARTICLE XVII District Changes and Other Amendments	3505
§ 230-110. Amendments authorized.	3505
§ 230-111. Amendment procedure.	3505

GENERAL REFERENCES

Comprehensive Development Plan -- See Ch. 27.	Forest conservation -- See Ch. 137.
Planning and Zoning Commission -- See Ch. 67.	Grading and sediment control -- See Ch. 140.
Building construction -- See Ch. 101.	Stormwater management -- See Ch. 198.
Floodplain management -- See Ch. 135.	Subdivision of land -- See Ch. 205.

ARTICLE I General Provisions

§ 230-1. Title.

This chapter shall be known as the "Pocomoke City Zoning Ordinance."

§ 230-2. Purpose.

The purpose of this chapter is to:

- A. Promote the health, safety, morals and general welfare of the community of Pocomoke City by providing for adequate light and air.
- B. Prevent the overcrowding of land and undue concentration of population.
- C. Lessen congestion in the streets.
- D. Secure safety from fire, panic and other dangers.
- E. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
- F. Conserve the value of property.
- G. Encourage the most appropriate use of land throughout the city in accordance with a comprehensive plan and by other means.

§ 230-3. Applicability.

This chapter shall apply to all lands, buildings and properties lying within the corporate boundaries of Pocomoke City, Maryland; provided, however, that it shall not apply to land owned by Pocomoke City or to buildings and other structures located or constructed thereon or to the use of either where the Council, following a public hearing advertised in the same manner as provided in § 230-106, has determined that any noncompliance, subject to any conditions imposed by the Council, is reasonably necessary or convenient to the public health, safety or general welfare.

§ 230-4. Interpretation of provisions.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements not intended to prohibit the use or application of higher standards; but where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by

other rules, regulations or ordinances or by private restrictions, the provisions of this chapter shall control.

ARTICLE II Terminology

§ 230-5. Definitions and word usage.

- A. In general, the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased" or "intended to be used"; and the word "shall" is mandatory and not directory.
- B. In the interpretation and construction of this chapter, certain words and phrases shall be understood to have particular or limited meanings as herein defined, except where the context otherwise requires:

ACCESSORY USE OR STRUCTURE -- A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building or land use, but specifically excluding towers as an accessory use or structure.

ADULT DAY CARE CENTER- - A place where an individual or organization provides daytime supervision for adults.

AGRICULTURE -- The use of land for agricultural purposes, including farming, horticulture and floriculture only.

ALLEY -- A public or private way affording secondary means of access to abutting property.

ASSISTED LIVING FACILITY - - A facility where adults reside under the supervision of other adults who assist the residents with everyday necessities.

BASEMENT -- A story where the floor is more than twelve (12) inches but not more than one-half (1/2) of its story height below the average level of the adjoining ground (as distinguished from a cellar, which is a story more than one-half (1/2) below such level).

BED AND BREAKFAST-- A part of a dwelling where overnight lodging or sleeping accommodations are provided, along with the breakfast meal only, to transient guests.

BILLBOARD and SIGN:

- (1) **BILLBOARD** -- Any structure or portion thereof situated on private premises on which lettered, figured or pictorial matter is displayed for advertising purposes, other than the name and occupation of the user of such premises or the nature of the business conducted thereon or the principal products sold or manufactured thereon.
- (2) **REAL ESTATE SIGN** -- A billboard or signboard advertising for sale or rent the premises on which located.

BOARD -- The Board of Appeals (the Board) established hereunder.

BOARDINGHOUSE or LODGING HOUSE -- A dwelling or part thereof where meals and/or lodgings are provided for compensation for persons not transients.

BUILDING -- Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons or chattels. When such a structure in single ownership is divided by one (1) or more unpierced walls extending from the ground up, it shall be considered one (1) "building" for the purpose of applying the provisions of this chapter.

BUILDING, HEIGHT OF -- The vertical distance from the average finished grade at the building line to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

CELLAR -- A story having more than one-half (1/2) of its height below average finished grade. A "cellar" is counted as a story for the purpose of height regulations only if used as a separate dwelling.

COMMUNITY RESIDENTIAL FACILITY (GROUP HOME) -- Any dwelling licensed, certified or authorized by state, federal or local authorities as a residence for children or adults with physical, developmental or mental disabilities, dependent children or elderly individuals in need of supervision, support and/or independent living training. Does not include: Secure Community Transition Facility, Halfway House or Community Treatment Facility.

COMMUNITY TREATMENT FACILITY (REHABILITATION HOUSE): Any dwelling or building licensed, certified or authorized by State, Federal or local authorities as a residence and treatment facility for children or adults with mental disabilities, alcoholism or drug abuse problems, needing a supervised living arrangement and rehabilitation services on a short-term or long-term basis. Does not include halfway houses, or secure community transition facilities.

COMPREHENSIVE DEVELOPMENT PLAN -- A comprehensive set of plans, specifications and measures for the private and/or public development of an industrial park, cluster development, apartment project, shopping center or other planned development permitted in this chapter. The development plan shall include:

- (1) A site plan showing the location of all streets, pedestrianways, rail lines, utility systems, landscaped areas, parcel lines, building areas, entrances and exits to be provided.
- (2) Any restrictions to be included in the sale or lease of land for parking, building location, property maintenance, sign control and any other protective measures.
- (3) A schedule for the development of streets, grading, utility installation, rail facilities, docking facilities or other improvements to be provided for the project area and occupants thereof.

- (4) A statement of intent to proceed and of the financial capability of the developer and sponsor.

CONDITIONAL USE -- A use which may be permitted in a district through the granting by the Board of Appeals of a special exception as defined in § 1.00, Definitions, of Article 66B of the Annotated Code of Maryland, as amended, upon a finding by the Board that it meets specified conditions.¹

CONDOMINIUM -- Property subject to the condominium regime established under the Maryland Condominium Act, Title 11 of the Real Property Article of the Annotated Code of Maryland.

CONSTRUCTION, STARTING OF -- The combining of labor and material into any portion of the structure on the site thereof.

COURT -- An open, unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

DAY-CARE CENTER -- A single-family dwelling unit or other separate building in which daytime adult supervision is provided for more than eight (8) children, not members of the caregiver's family, under the age of sixteen (16) and in which the caregiver may or may not reside.

DRY NIGHTCLUB -- An establishment in which the primary use is as a gathering place for people regardless of age limitations for purposes of entertainment, dancing, social discourse and other social activities in the nature of those generally associated with social clubs, nightclubs, dance halls and after hours clubs as American Culture has defined by historical experience but not including theaters, schools, bonafide service clubs, or churches and establishments holding alcoholic beverage what constitutes a Dry Nightclub.

DISTRICT -- A portion of the municipality within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter. The term "R District" shall mean any R-1, R-2 or R-3 District; the term "B District" shall mean any B-1 or B-2 District; and the term "M District" shall mean the M-1 District.

DWELLING -- Any building or portion thereof occupied or intended to be occupied exclusively for residence purposes, but not including a tent, cabin, trailer or mobile house or a room in a hotel or motel.

DWELLING, MULTI-FAMILY -- A detached building designed for or used exclusively for residence purposes by more than two (2) families or housekeeping units. The term includes apartments, flats, row apartments and condominiums, among others.

DWELLING, SINGLE-FAMILY -- A detached building designed for or used exclusively for residence purposes by one (1) family or housekeeping unit.

¹Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

DWELLING, TWO-FAMILY -- A detached building designed for or used exclusively for residence purposes by not more than two (2) families or housekeeping units.

ESSENTIAL SERVICES -- Facilities owned or maintained by public utility companies or public agencies, located in public ways or in easements provided for the purpose or on a customer's premises and not requiring a private right-of-way, and reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication or similar services to adjacent customers, but not including any building or any yard, station or facility requiring a site in excess of four hundred (400) square feet and not including any cross-country pipeline or transmission line on towers or the tower itself, or any line requiring a private right-of-way.

FAMILY -- A person living alone or two (2) or more persons living together as a single housekeeping unit, but not including a group of persons occupying a boardinghouse, lodging house, hotel, dormitory, institution, group home, halfway house, rehabilitation house or similar use.

FAMILY DAY-CARE PROVIDER HOME -- A single-family dwelling unit in which daytime adult supervision is provided for up to eight (8) children, including children of the occupant, under six (6) years old and other children who are not members of the caregiver's family under the age of sixteen (16) and in which the caregiver regularly resides.

FARM -- A parcel of land not less than five (5) acres in size used for agricultural purposes as defined in "agriculture" (see above).

GARAGE, PRIVATE -- A garage intended for and used for the storage of the private motor vehicles of the families resident upon the premises.

GARAGE, PUBLIC -- A space or structure, other than a private garage, for the storage, sale, hire, care, repair or refinishing of self-propelled vehicles or trailers.

GOVERNMENT BUILDINGS -- Buildings owned or leased by a City, County or State government organization or agency.

KENNEL, COMMERCIAL -- A commercial operation that (a) provides food and shelter and care of domestic animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or (b) engages in the breeding of domestic animals for sale, or (c) any place where more than two adult domestic animals (over 6 months) are kept for a boarding or other fee, or (d) any place where more than four (4) adult domestic animals are kept for any purpose.

LAND USE PLAN -- The long-range plan for desirable use of land, as officially adopted and as amended from time to time by the Planning and Zoning Commission, the purpose of such plan being, among other purposes, to serve as a guide in zoning and progressive changes in the zoning of land to meet changing community needs, in the subdividing and use of undeveloped land and in the acquisition of right-of-ways or sites for such public facilities as streets, parks, schools and public buildings.

LOT -- Any plot or parcel of land occupied or intended to be occupied by a principal building or use, or a group of buildings, conforming to the regulations of this chapter and its accessory buildings and uses, including all open spaces required by this chapter, and having frontage on a street as defined herein. In the case of a farm or estate five (5) or more acres in size, the "lot" shall be deemed to be that part of the property on which the principal building and its accessory buildings and uses are located, together with the yards and other open spaces required by this chapter, and such "lot" need not front directly on a public road if connected therewith by a private lane or road which serves no other lot.

LOT, CORNER -- A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street and in either case forming an interior angle of less than one hundred thirty-five degrees (135°).

LOT DEPTH -- The mean horizontal distance between the front and rear lot lines.

LOT LINE, FRONT -- The line separating the lot from the street upon which it fronts.

LOT LINE, REAR -- The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE -- Any lot line other than a front or rear lot line.

LOT LINE, STREET OR ALLEY -- Any lot line separating the lot from a street or alley.

LOT, THROUGH -- A lot having frontages on two (2) nonintersecting streets, as distinguished from a corner lot.

LOT WIDTH -- The width of the lot measured at right angles to its center line at the front setback line.

MOTEL -- Any establishment consisting of two (2) or more guest rooms or suites, with separate outside entrances and adjacent parking spaces, designed and maintained for the accommodation of transients; or any establishment for the accommodation of transients which proclaims itself a "motel."

NONCONFORMING USE -- An existing building, structure or premises legally devoted to or occupied by or for a use that does not conform to the provisions of this chapter or amendments thereto for the district in which located.

NURSERY SCHOOL -- A place where an educational organization provides formal instruction, maintains a regular faculty and curriculum and has a regularly enrolled body of students less than six (6) years of age.

PARKING LOT, COMMERCIAL -- A surfaced area of one (1) or more parking spaces designed or used for the parking of vehicles and available to the public, whether for a fee or as an accommodation to clients or customers.

PARKING SPACE -- A surfaced area either within a structure or in the open, exclusive of driveways or access drives, for the parking of one (1) vehicle.

PLANNING AND ZONING COMMISSION -- The Pocomoke City Planning and Zoning Commission.

PUBLIC BUILDING – A building which is held, used or controlled for public purposes by a department of the Federal government or a state government or subdivision thereof.

PUBLIC PURPOSE – For the use and benefit of the general public or to fulfill a government responsibility.

ROLL-OFF TRASH CONTAINER -- means a large metal container designed and used for the temporary storage of refuse, rubbish, trash, garbage, junk, debris, offal, or any material rejected as useless and fit only to be thrown away. Such container is typically rented or leased to owners or occupants of property for their temporary use and which is typically delivered and removed by truck. This term shall not be interpreted to refer to a “trash container” or “dumpster” that is stored in a more permanent manner on the property in compliance with the provisions of this Chapter. This term shall not be interpreted to include recycling facilities.

SECURE COMMUNITY TRANSITION FACILITY (HALFWAY HOUSE) -- A facility for the housing, rehabilitation, and training of persons on probation, parole, or early release from correctional institutions, or other persons found guilty of criminal offenses. A residential facility for persons civilly committed and conditionally released to a less restrictive alternative. A Secure Transition Facility or Halfway House has supervision and security, and either provides or ensures the provision of sex offender treatment services. The residents of a Secure Community Transition Facility shall not include any person who, during the term of residence at such facility, commits a violent act or causes substantial physical damage to the property of others, and any such person must be removed from such facility.

SEMI-PUBLIC BUILDING -- A building of which some part is used for public purposes by the general public as a matter of right and not as an invitee of the owner or tenant of the building, or is used to fulfill a government purpose or responsibility.

SETBACK LINE -- The minimum building line along the front of a lot or along the side of a corner lot adjoining the side street, as determined by the yard requirements of this chapter or of any superior regulation.

SEWAGE DISPOSAL PLANT -- A plant or lagoon for the treatment of sewage which serves the municipality or any group of properties, as distinguished from a private septic tank or package treatment plant which is accessory to and located on the same premises with a principal use.

SHOPPING CENTER -- A group of commercial establishments built on a site that is planned and developed as an operating unit related in location, size and type of shops to the trade area that the unit serves. It provides common on-site parking in definite relationship to the type and total size of the use the parking is intended to serve.

(1) NEIGHBORHOOD -- A shopping center not exceeding thirty thousand (30,000) square feet in gross floor area.

- (2) COMMUNITY or REGIONAL -- A shopping center exceeding thirty thousand (30,000) square feet in gross floor area.

SMALL WIND ENERGY SYSTEM -- A single-towered wind energy system that: is used to generate electricity; has a rated nameplate capacity of 50 kilowatts or less; and has a total height of 150 feet or less.

SOLAR ENERGY EQUIPMENT -- Items including panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations used for or intended to be used for collection of solar energy in connection with a building on residential or commercial property. Solar energy equipment and its use is accessory to the principal use of the property.

STORY -- That portion of a building, other than a cellar as defined herein, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it.

- (1) STORY, GROUND -- The lowest story or ground story or first story of any building, the floor of which is not more than three and one-half (3 1/2) feet below the average contact ground level at the exterior walls of the building, except that any basement used as a separate dwelling by other than a janitor or caretaker or his or her family shall be deemed a ground or first story.
- (2) STORY, HALF -- A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any partial story used as a separate dwelling, other than for a janitor or caretaker and his or her family, shall be deemed a full story.

STREET -- A public right-of-way fifty (50) feet or more in width which provides a means of public access to abutting property or any such public or private right-of-way not less than thirty (30) feet in width which existed prior to the enactment of this chapter. The term "street" shall include "road," "avenue," "drive," "lane," "circle," "square," "court," "highway," "beach," "way" or any similar term.

STREET LINE -- The right-of-way or property line.

STREET, MAJOR -- A street or highway designated as a major street or expressway on the Official Major Street Plan of Pocomoke City.

STRUCTURAL ALTERATION -- Any change in the structural members of a building, such as bearing walls, columns, beams or girders.

STRUCTURE -- Anything constructed, the use of which requires a fixed location on the ground or which is attached to something having such location, but not including fences, sidewalks, driveways, curbs or essential services defined in "essential services" (see above), and towers as defined below.

SWIMMING POOL -- An artificially created pool of water or tank used for swimming or recreational purposes utilizing water, filtering equipment, etc.

TOWER – A monopole, lattice or guy structure that is relatively high for its length and width, either a separate structure or part of another structure, its purpose being to provide a base or supporting structure for some other use or purpose, but excluding public utility poles of the normal type and height. Tower does not include any antenna mounted or affixed to a building or structure not over forty feet (40') in height and not projecting more than ten feet (10') above such structure used for reception or transmission of electromagnetic communications signals for non-commercial purposes.

TOWNHOUSE -- A single-family dwelling forming one (1) of a series of attached single-family dwellings separated from one another by a party wall, without doors, windows or other provisions for human passage or visibility and sound transmission through such party wall, extending from the cellar floor and/or foundation to the highest point on the roof along the dividing lot line and separated from any other building or structure by space on all other sides and which may be offered for sale or rental.

TRAILER -- Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation or use as a selling or advertising device and so designed that it is or may be mounted on wheels and transported over highways and streets, propelled or drawn by its own or other motive power.

USE FIRST PERMITTED -- A use which in the sequence of successively listed zoning districts occurs as a permitted use for the first time in a specified zoning district.

YARD, FRONT -- An open space extending the full width of the lot between any part of a building not hereinafter excepted and the front lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified in Article XIV.

- (1) **FRONT YARD, LEAST DEPTH** -- The shortest distance, measured horizontally, between any part of a building, other than such parts as excepted in § 230-99, and the front lot line.

YARD, REAR -- An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified in Article XIV.

- (1) **REAR YARD, LEAST DEPTH** -- The shortest distance, measured horizontally, between any part of a building, other than such parts as excepted in § 230-99, and the rear lot line.

YARD, SIDE -- An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified in Article XIV.

- (1) **SIDE YARD, LEAST WIDTH** -- The shortest distance, measured horizontally, between any part of a building, other than such parts as excepted in § 230-99, and the nearest side lot line.

ZONING CERTIFICATE -- Written statement issued by the Zoning Inspector

authorizing the use of buildings, structures or premises consistent with the terms of this chapter and for the purpose of carrying out and enforcing its provisions.

ZONING INSPECTOR -- The Zoning Inspector (City Manager) or his or her authorized representative, appointed in accordance with the provisions of Article XV.

ZONING MAP -- The Zoning Map of Pocomoke City, Maryland, dated December 15, 1986, together with all amendments thereto subsequently adopted.²

²Editor's Note: The Zoning Map is on file in the office of the Zoning Inspector.

ARTICLE III Zoning Districts

§ 230-6. Districts enumerated.³

For the purposes of this chapter, the incorporated territory of Pocomoke City is hereby divided into the following districts:

A. Base Zoning Districts:

- R-1 Residence District
- R-2 Residence District
- R-3 Multifamily District
- B-1 Shopping District
- B-2 General Business District
- M-1 Light Industrial District

B. Floating Zones

- PRD Planned Residential District Floating Zone

§ 230-7. Zoning Map.

The boundaries of these districts are hereby established as shown on the Zoning Map of Pocomoke City, Maryland, which map, together with all notations, references and other matters thereof, shall be and is hereby made a part of this chapter. Said Zoning Map, properly attested, shall be and remain on file in the office of the Zoning Inspector.

§ 230-8. Location of district boundary lines.

Except where referenced on said map to a street line or other designated line by dimensions shown on said map, the district boundary lines are intended to follow property lines, lot lines or the center lines of streets, alleys, railroads, small streams or other identifiable landmarks as they existed at the time of the adoption of this chapter; but where a district line obviously does not coincide with the property lines, lot lines or such center lines or where it is not designated by dimensions, it shall be deemed to be two hundred (200) feet back from the nearest street line, in case it is drawn parallel with a street line, or its location shall be determined by scaling in other cases.

§ 230-9. Lots in more than one district.

Where a district boundary line as established in this Article or as shown on a Zoning Map divides a lot which was in single ownership and of record at the time of enactment of this chapter, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot under this chapter shall be considered as extending to the entire lot, provided that the more restricted portion of such lot is entirely within fifty (50) feet of said

³Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

dividing district boundary line. The use so extended shall be deemed to be conforming.

§ 230-10. Interpretation of district boundary lines.

Questions concerning the exact location of district boundary lines shall be determined by the Board of Appeals as provided in § 230-107B and in accordance with rules and regulations which it may adopt.

§ 230-11. Extension of districts when public way is abandoned.

Whenever any street, alley or other public way is abandoned by official action as provided by law, the zoning districts adjoining the sides of such public way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way of the public way thus vacated, which shall thenceforth be subject to all regulations of the extended district or districts.

§ 230-12. Annexed territory.

In case any territory has not been specifically included within a district, or where territory becomes a part of the incorporated area of Pocomoke City by annexation or otherwise, such territory shall automatically be classified in the R-1 District until otherwise classified.

ARTICLE IV General Regulations

§ 230-13. Conformance required.

Except as hereinafter specified, no land, building, structure or premises shall hereafter be used, and no building or part thereof or other structure shall be located, erected, reconstructed, extended, enlarged, converted or altered, except in conformity with the regulations herein specified for the district in which it is located.

§ 230-14. Continuation of existing uses.

- A. Except as provided in § 230-15, any lawful use, building or structure existing at the time of the enactment of this chapter (including a seasonal use) may be continued even though such use, building or structure may not conform to the provisions of this chapter for the district in which it is located.
- B. Dry nightclubs or similar establishments which existed on December 17, 2001 that were located in zoning districts other than B-2, or which did not meet the separation requirements described in § 230-71(J), are nonconforming uses and subject to all other regulations or this chapter. Nonconforming dry nightclubs must obtain an annual City business license (Chapter 109 of City Code) and are subject to all regulations and conditions of said license. Nonconforming dry nightclubs must also obtain a dry nightclub license (Chapter 121 of City Code) and are subject to all regulations and conditions of that chapter as well.

§ 230-15. Nonconforming uses.

No existing building or premises devoted to a use not permitted by this chapter in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, substituted or structurally altered unless the use thereof is changed to a use permitted in the district in which such building or premises is located, except as follows:

A. Substitution.

- (1) If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same manner or of a more restricted classification.
- (2) Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed back to a less restricted use.
- (3) When authorized by the Board of Appeals according to the provisions of § 230-107E(1) a nonconforming use of land may be changed to another nonconforming use or a nonconforming use of a building may be changed to one of a less restricted classification.

B. Discontinuance.

- (1) No building, structure or premises where a nonconforming use has ceased for six (6) months or more shall again be put to a nonconforming use.
- (2) All nonconforming uses of land not involving any building or structure having an assessed value for tax purposes of more than five hundred dollars (\$500.) at the time of becoming nonconforming, and all nonconforming signs, billboards and outdoor advertising structures of whatever value, may be continued for a period of two (2) years after the date of enactment of this chapter, at the end of which period such nonconforming uses, buildings and structures shall be changed to conforming uses or shall be removed.

C. Extensions.

- (1) A building devoted to a nonconforming use may be completed or extended and other buildings may be erected in addition thereto for uses necessary and incidental to the continuation of the existing use, provided that such additions and extensions are located on the same premises or on adjoining premises that were under the same ownership on the date such building became nonconforming, and provided that the floor areas of all such additions and extensions shall not exceed, in the aggregate, thirty-five percent (35%) of the floor area of the existing building devoted to a nonconforming use, provided also that such completions, extensions and additions shall be undertaken within five (5) years of the date when the use of such building became nonconforming. Any other extension of a nonconforming building or use of land shall be subject to Board of Appeals approval as provided in § 230-107 E. The extension or completion of a building or the construction of additional buildings as herein provided shall not be deemed

to extend or otherwise affect the date when such nonconforming use or building must be changed or removed, if subject to any of the provisions of Subsection B.

- (2) A nonconforming use may be extended throughout those parts of a building which were manifestly designed or arranged for such use prior to the effective date of this chapter, provided that no structural alterations are made except as required by law.
 - (3) Any dwelling lawfully existing at the time of enactment of this chapter not located on a lot having frontage on a street as required herein may be continued and may be enlarged, without increasing the number of dwelling units therein, provided that no such addition shall extend closer to the street than the setback line for the existing building.
- D. Replacing damaged buildings. Any nonconforming building or structure, or group of related buildings comprising one (1) enterprise or establishment and under one (1) ownership, which may become damaged to more than sixty percent (60%) of its then fair market value, exclusive of the foundations, by fire, flood, explosion, war, riot or act of God, shall not be restored or reconstructed and used as before such happenings, but if less than sixty percent (60%) is damaged, it may be restored or reconstructed as before, provided that this shall be done within one (1) year.

§ 230-16. Unsafe buildings.

Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by a proper authority.

§ 230-17. Lots.

Except as otherwise provided by this chapter:

- A. Every building or group of related buildings shall be located on a lot, as herein defined, having at least the area, width, lot area per family and yards herein prescribed for the district in which such building is located.
- B. No lot shall be used for dwelling purposes which does not abut for at least fifty (50) feet on a street as herein defined except at a cul-de-sac which may have a minimum street frontage of thirty-five feet (35'). Lots fronting on a cul-de-sac must meet minimum lot widths as prescribed by the specific zone requirements, at the prescribed front yard setback for that zone.
- C. Not more than one (1) dwelling structure shall be located on a lot as herein defined.
- D. Lots for agricultural purposes must be at least one (1) acre in area, except for a garden for the personal use of the owners.

§ 230-18. Accessory structures in residence districts.

- A. No accessory structure shall be located in any required court or in any yard other than a rear yard, except as provided hereinafter. Accessory structures shall be distant at least six

(6) feet from alley lines and from any other buildings on the same lot and at least five (5) feet from lot lines of adjoining lots which are in any R District.

- B. Accessory structures may be erected as a part of the principal structure or, if at least six (6) feet there from, may be connected thereto by a breezeway or similar structure, provided that all yard requirements for a principal building are complied with.
- C. In any R District, where a corner lot adjoins in the rear a lot fronting on the side street and located in an R District, no part of any accessory building on such corner lot shall be nearer the side street lot line than the least depth of the front yard required along such side street for a dwelling on such adjoining lot, and in no case shall any part of such accessory building be nearer to the common lot line than the least width of a side yard required for the principal building to which it is accessory.

§ 230-19. Reduction of required yard prohibited.

No lot shall be reduced in area so as to make any yard or any other open space less than the minimum required by this chapter, and if already less than the minimum required, said yard or open space shall not be further reduced. No part of a yard or other open space provided about any building or structure for the purpose of complying with the provisions of this chapter shall be considered as part of a yard or other open space required under this chapter for another building or structure.

§ 230-20. Off-street parking and loading.

In every district, spaces for off-street parking and for loading or unloading of vehicles shall be provided in accordance with the requirements in Article XIII. Off-street parking and loading areas may occupy all or part of any required yard or open space except as specified in §§ 230-85 and 230-86.

§ 230-21. Transitional uses.

In any R-1 or R-2 District, a transitional use shall be permitted on a lot the side lot line of which adjoins, either directly or across an alley, a B or M District. The permitted transitional uses for any such lot shall be any use permitted in the R-3 District. In such case, the requirements governing lot area per family, off-street parking, yards and other open spaces shall be the same as in an R-3 District. Any transitional use shall not extend more than seventy-five (75) feet from the district boundary line.

§ 230-22. Front yard depth.

Each front yard depth or setback specified herein shall be measured at right angles (or radially) from the nearest street right-of-way line, except that where the right-of-way of any existing street is less than fifty (50) feet wide in the case of a minor street, or less than sixty (60) feet wide in the case of a major street, the front yard or setback shall be measured from a line twenty-five (25) feet or thirty (30) feet, as the case may be, from the center line of such street. The foregoing rules shall apply also to the measurement of a side yard on the street side of a corner lot.

§ 230-23. Courts.

Where a court is provided in any building, other than a single-family dwelling, for the purpose of furnishing light and air to rooms in which persons are to live, sleep or work, except storage rooms, such court shall be an outer court open on one (1) side, the least dimensions of which shall be as follows:

A. Least width. The minimum width requirements shall be as follows:

- (1) For residential buildings: the sum of the heights of the building wings opposite one another, but not less than forty (40) feet.
- (2) For nonresidential buildings: two thirds (2/3) of the sum of the heights of the building wings opposite one another, but not less than thirty (30) feet.

B. The maximum depth shall be one and one-half (1 1/2) times the width.

§ 230-24. Yard requirements along zoning boundary lines.

Along any zoning boundary line, on a lot adjoining such boundary line in the less restricted district, any abutting front yard, side yard, rear yard or court, unless subject to greater restrictions or requirements stipulated by other provisions of this chapter, shall have a minimum width or depth equal to the average of the required minimum widths or depths for such yards or courts in the two (2) districts on either side of such zoning boundary line. In case the height of a proposed structure on such lot in the less restricted district is greater than the maximum height permitted in the adjoining more restricted district, the minimum width or depth of the yard or court for such structure shall be determined by increasing the minimum width or depth required for the highest structure permitted in such more restricted district by one (1) foot for each two (2) feet by which the proposed structure exceeds the maximum height permitted in said more restricted district.

§ 230-25. Traffic visibility across corner lots.

In any R or B District, on any corner lot, no fence, structure or planting that would interfere with traffic visibility across the corner shall be erected or maintained within thirty (30) feet of the intersection of the street right-of-way lines or otherwise if it may present a hazard in the opinion of the Zoning Inspector.

§ 230-26. Conversion for dwelling purposes.

The conversion of a building into a dwelling, or the conversion of a dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this chapter, and only when the resulting occupancy will comply with the requirements governing new construction in such district.

§ 230-27. Essential services exempted.

Essential services, as defined in §230-5, shall be permitted in any district, as authorized and regulated by law and ordinances, it being the intention hereof to exempt such essential services

from the application of this chapter.

§ 230-28. Distance requirements.

All uses, buildings or premises for which compliance with the distance requirements in this chapter is stipulated elsewhere in this chapter shall be distant at least two hundred (200) feet from any lot in any R District.

§ 230-29. Temporary buildings, portable storage containers, roll-off trash containers.

- A. Temporary buildings and structures, including trailers, for uses incidental to construction work on the premises shall be permitted in any district where such construction is being done by a responsible contractor or builder under a contract having a definite completion date and on the condition that such temporary buildings and structures shall be removed upon the completion or discontinuance of construction. However, no person shall sleep or reside in such buildings while so used
- B. A property owner or tenant may rent and use a portable storage container provided the following conditions are met:
 - (1) The Pocomoke City Zoning Administrator shall be notified at least three business days prior to placing the storage container on the site.
 - (2) A portable storage container shall be located at the address for a maximum of fourteen (14) consecutive days, including the days of delivery and removal. An extension may be granted to the Pocomoke City Zoning Administrator, subject to conditions, for a reasonable additional time period in an amount not to exceed thirty (30) days.
 - (3) The unit is no larger than eight feet by eight feet by sixteen feet.
 - (4) The unit is not located within any public right-of-way and does not block any public sidewalk.
 - (5) There is no more than one portable storage container for any address at any one time
 - (6) The container shall not be located in the front setback unless approved by the Pocomoke City Zoning Administrator. If access exists at the side or rear of the site, the container shall be located in a side or rear yard.
 - (7) Portable storage containers shall only be placed on an impervious surface (e.g., driveway). Any required parking space(s) shall at all times be maintained if temporary storage units are placed in parking areas.
 - (8) The portable storage container shall be used for the temporary storage of household goods and related items only. The portable storage container may not be used for construction materials or waste.
 - (9) On duplex, townhouse, or multi-family properties, placement of the portable storage container must be approved by an appropriate management or ownership entity to ensure safe and convenient access to required parking spaces, driveways, and pedestrian pathways and to ensure that the storage container does not obstruct emergency access or infringe on required landscaped areas.
 - (10) Portable storage containers are not permitted accessory structures and shall not be used as such.
- C. A roll-off trash containers may be temporarily placed on a property in a Residential

District provided the following conditions are met:

- (1) The Pocomoke City Zoning Administrator shall be notified at least three business days prior to placing the roll-off trash container on the site.
- (2) A roll-off trash container shall be located at the address for a maximum of thirty (30) consecutive days, including the days of delivery and removal. An extension may be granted by the Pocomoke City Zoning Administrator, subject to conditions, for a reasonable additional time period in an amount not to exceed thirty (30) days. The Pocomoke City Planning and Zoning Commission may grant further extensions not to exceed six (6) months.
- (3) The unit has a maximum capacity of thirty (30) cubic yards, or is no larger than eight feet by eight feet by sixteen feet.
- (4) There is no more than one roll-off trash container for any address at any one time.
- (5) The unit is not located within any public right-of-way and does not block any public sidewalk.
- (6) The container shall not be located in the front setback unless approved by the Pocomoke City Zoning Administrator. If access exists at the side or rear of the site, the container shall be located in a side or rear yard.
- (6) Roll-off trash containers shall only be placed on an impervious surface (e.g., driveway). Any required parking space(s) shall at all times be maintained if temporary storage units are placed in parking areas.
- (7) The roll-off trash container is used only for disposal of acceptable waste. Examples of waste that are not acceptable include refrigerators, a/c units, tires, batteries, car parts, hazardous waste, and gas or propane tanks.
- (8) On duplex, townhouse, or multi-family properties, placement of the roll-off trash container must be approved by an appropriate management or ownership entity to ensure safe and convenient access to required parking spaces, driveways, and pedestrian pathways and to ensure that the storage container does not obstruct emergency access or infringe on required landscaped areas.
- (9) Roll-off trash containers are not permitted accessory structures and shall not be used as such.

§ 230-30. Floor area for single-family dwelling.

No single-family dwelling hereafter erected shall have less than nine hundred fifty (950) square feet of living area above ground.

§ 230-31. Fuel Storage Tanks.

Notwithstanding any provision of this chapter to the contrary, the following regulations shall apply to the use of fuel storage tanks:

- A. As used in this section, the term “fuel storage tank” shall mean any vessel or tank that stores gases or liquids, including fuel products such as gasoline, diesel fuel, heating oil, natural gas, natural gas liquids, propane, synthetic gas, or similar products.
- B. Fuel storage tanks, with a capacity greater than one thousand (1000) gallons, either individually or in the aggregate, shall be permitted within the B-2, “General Business,” M-1 “Light Industrial” Districts as a Conditional use only, and provided such tanks

comply with requirements of the National Fire Protection Association and/or Public Service Commission and, provided that any such tanks be located not less than 200' (two hundred feet), from any lot in any R District.

- C. Fuel storage tanks, with an aggregate capacity of one thousand (1000) gallons or less, intended for building heating use only, and located on the same lot as the principal use, may be permitted as an accessory use, provided such tanks comply with the requirements of the National Fire Protection Association and/or the Public Service Commission.
- D. Fuel storage tanks with a capacity greater than one Thousand (1000) gallons, either individually or in the aggregate, are prohibited in all residential districts and in the B-1 Zone.

ARTICLE V R-1 Residence District

§ 230-32. Applicability.

The uses contained in this Article shall be permitted and the following regulations and the applicable regulations contained in other Articles shall apply in the R-1 District.

§ 230-33. Principal permitted uses.

Principal permitted uses in the R-1 District shall be as follows:

- A. Single-family dwellings.
- B. Churches and parish houses.
- C. Schools and colleges for academic instruction.
- D. Public parks, playgrounds, community centers, golf courses and buildings or properties of a cultural or conservation nature.

§ 230-34. Conditional uses.

Conditional uses requiring Board authorization shall be as follows:

- A. Public and semi-public buildings.
- B. Hospitals, sanitariums and religious or charitable institutions (not for contagious disease, mental, liquor or drug patients and not penal or correctional institutions), provided that any such establishment shall comply with the distance requirements of § 230-28.
- C. Cemeteries, provided that no graves or burial lots are located in front yard or required side yard setbacks.
- D. Public utilities, cables, utility poles, pipelines, railroad lines or any other utility located on a private right-of-way as defined in § 230-5, but not including production, construction or maintenance or storage buildings or yards.

- E. Boat landings (docks or wharves).
- F. Bed-and-Breakfast type business for overnight lodgings and breakfast, provided that appropriate parking and other requirements of Chapter 230 are met. The number of rentable rooms to be determined by the Board following a public hearing.
- G. The Board of Appeals may permit Solar Energy Equipment as an accessory use subject to the following:
 - (1) Solar Energy Equipment may be on roofs of principal buildings or ground mounted.
 - (2) Placement of Solar Energy Equipment is not permitted within the required front yard setback unless the Board of Appeals determines that it is adequately screened from view from the public way so as to preclude any glare from the equipment which would adversely impact the vision of motorists on the public way. It is understood that this equipment may on occasion, be visible from the public way even if located in the side or the rear yard.
 - (3) If the solar energy equipment is unable to be located on the roof of the principal structure as is preferred, placement of ground mounted solar energy equipment in the required side or rear yard may be permitted only if the equipment is not located in the required setback for a structure in the subject zone from the property line or a distance equal to the height of the accessory structure whichever is greater.
 - (4) The solar energy equipment must be adequately screened from view of residential neighbors by appropriate vegetative screening or appropriate and adequate solid fencing.
 - (5) Any proposed fencing must comply with all applicable height requirements. Natural colored fencing is preferred.
 - (6) Roof mounted Solar Energy Equipment shall be located so as not to increase the total height of the structure above the maximum allowable height of the structure on which it is located, in accordance with the applicable zoning regulations.
 - (7) The Board of Appeals, prior to issuing a permit for the placement of any solar energy equipment, shall be provided with any requested information in regard to proving compliance with this section. This information may include a sun and shadow diagrams specific to the subject proposed installation which would enable the Board of Appeals to determine if solar access will be impaired due to the proposed location or to the location of objects which may obstruct the solar access.
 - (8) The Board of Appeals may also require submission of detailed information, including maps, plans or dimensioned sketches, showing the proposed location, including setbacks from property lines or distances from structures which are used for habitation on neighboring properties.

- (9) The Zoning Administrator may also require the submission of an as-built plan showing the actual location of any installed solar energy equipment. If the equipment is not installed as permitted, the Board of Appeals may order its removal and/or relocation as appropriate.

§ 230-35. Accessory uses.

Accessory buildings and uses are those building and uses customarily incidental to any principal use or authorized conditional use, including:

- A. Private garages, parking areas, swimming pools, satellite television earth stations and other customary outbuildings and structures.
- B. Temporary real estate signs complying with § 230-89.
- C. Identification signs displaying only the name and nature of the premises or the occupant thereof or directing the way thereto, not exceeding eight (8) square feet in area.
- D. One (1) bulletin board or sign for any permitted church, school or other public or semi-public building, not exceeding twenty-four (24) square feet in size, which sign may be indirectly lighted.
- E. The keeping of not more than one (1) roomer or boarder by a resident family.

§ 230-36. Height regulations.

No principal structure shall exceed two and one-half (2 1/2) stories (thirty (30) feet in height), and no accessory structure shall exceed one and one-half (1 1/2) stories (twenty-five (25) feet in height). All public and semi-public utility buildings and structures must meet the requirements of § 230-93. Replacement buildings shall be the same as the building was before or approximately the same height and size as the existing adjoining buildings.

§ 230-37. Area, yard and bulk regulations.

Lot area, width and yard requirements shall be as follows:

- A. Lot area and width requirements.

Type of Use	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Lot Area Per Family (square feet)
Dwellings	10,000	75	10,000
Churches	2 acres	200	
Schools and colleges	5 acres	400	
Public utility uses	10,000	75	
Other permitted uses	20,000	100	

B. Yard requirements.

Replacement buildings shall have the same front yard setbacks as the existing adjoining buildings.

Type of Use	Front Yard Depth (feet)	Side Yard Least Width (feet)	Side Yard Sum of Widths (feet)	Rear Yard Depth (feet)
Dwellings	35	12	25	40
Churches	35	25	50	40
Schools and colleges	35	25	50	40
Public utility uses	35	20	40	40
Other permitted uses	35	25	50	40

§ 230-38. Parking regulations and facilities; recreational vehicles.

- A. Two (2) off-street parking spaces are required for each family or dwelling unit.
- B. Parking of a trailer or motor home is prohibited, except that no more than one (1) licensed recreational vehicle may be parked/stored on the premises. When so parked/stored, such vehicle must be in an accessory building or in the rear yard only.

ARTICLE VI R-2 Residence District

§ 230-39. Applicability.

The uses contained in this Article shall be permitted and the following regulations and the applicable regulations contained in other Articles shall apply in the R-2 Residence District.

§ 230-40. Principal permitted uses.

Principal permitted uses in the R-2 District shall be as follows:

- A. Single-family dwellings.
- B. Churches and parish houses.
- C. Schools and colleges for academic instruction.
- D. Public parks, playgrounds, community centers, golf courses and buildings or properties of a cultural or conservation nature.

§ 230-41. Conditional uses.

Conditional uses requiring Board authorization shall be as follows:

- A. Public and semi-public buildings.
- B. Hospitals, sanatoriums and religious or charitable institutions (not for contagious disease,

liquor or drug patients and not for penal or correctional institutions), provided that any such establishment shall comply with the distance requirements of § 230-28.

- C. Cemeteries, provided that no graves or burial lots are located in the front yard or required side yard setbacks.
- D. Public utilities, cables, utility poles, pipelines, railroad lines or any other utility located on a private right-of-way as defined in § 230-5, but not including production, construction or maintenance of storage buildings or yards.
- E. Boat landings (docks or wharves).
- F. Licensed family day-care provider homes, nursery schools or day-care centers, provided that there is established and maintained in connection therewith a completely fenced play lot of adequate size in the rear setback area only. Such fence must be at least four (4) feet but no greater than six (6) feet in height and constructed in a manner such that it will not permit children or small animals to pass through it, provided also that any family day-care provider home or nursery school building must be located not less than ten (10) feet from any other lot in any residential (R) district, and any licensed day-care center must be located not less than twenty (20) feet from any other lot in any residential (R) district. All such facilities must be properly licensed by the State of Maryland and must obtain a city business license annually⁴.
- G. Recreational clubs and facilities for private noncommercial use.
- H. Professional offices of the occupant only.
- I. Customary incidental home occupations, provided that nothing is sold or stocked except what is produced on the premises, that no person from outside the home shall be engaged in such occupation and that no building alteration is made or mechanical equipment is used which is not customary in dwellings. An indirectly lighted sign not over one (1) square foot in area shall be permitted in connection with such home.
- J. A bed-and-Breakfast type business for overnight lodgings and breakfast, provided that appropriate parking and other requirements of Chapter 230 are met. The number of rentable rooms to be determined by the Board following a public hearing.
- K. Subdivisions featuring two-dwelling (duplex units), provided that the following conditions are met.
 - (1) The original parcel must contain a minimum of twenty (20) acres prior to subdivision;

⁴Editor's Note: Section Four of this ordinance provides as follows: "The provisions of § 230-41F and 230-48F as amended by this ordinance shall not apply to family day-care provider homes, day-care centers or nursery schools which are duly licensed by the State of Maryland or have formally applied for such licensing on or before March 1, 1992, which meet the fencing requirements set forth in Section Two of this ordinance and which have obtained a city license. However, any such property which shall subsequently cease to be used as a family day-care home, day-care center or nursery school for a period of ninety (90) days or shall lose its state licensing shall no longer be exempt from the provisions of Chapter 230 as amended hereby."

- (2) A two-family dwelling may straddle a side yard lot line between two lots, with zero setbacks in adjoining side yards; in that case, each lot must contain at least six thousand five hundred (6,500) square feet in area (i.e. 6,500 square feet of lot area per dwelling unit; minimum width to be sixty feet (60')).
- (3) If a two-family dwelling is placed on a single lot, that lot must contain a minimum of thirteen thousand (13,000) square feet, with a minimum of one hundred twenty feet (120').
- (4) Minimum setbacks must be as follows:

front 30 feet
rear 30 feet
open side yard 10 feet
- (5) All other appropriate zoning and/or subdivision laws or regulations will also apply.

L. The Board of Appeals may permit Solar Energy Equipment as an accessory use subject to the following:

- (1) Solar Energy Equipment may be on roofs of principal buildings or ground mounted.
- (2) Placement of Solar Energy Equipment is not permitted within the required front yard setback unless the Board of Appeals determines that it is adequately screened from view from the public way so as to preclude any glare from the equipment which would adversely impact the vision of motorists on the public way. It is understood that this equipment may on occasion, be visible from the public way even if located in the side or the rear yard.
- (3) If the solar energy equipment is unable to be located on the roof of the principal structure as is preferred, placement of ground mounted solar energy equipment in the required side or rear yard may be permitted only if the equipment is not located in the required setback for a structure in the subject zone from the property line or a distance equal to the height of the accessory structure whichever is greater.
- (4) The solar energy equipment must be adequately screened from view of residential neighbors by appropriate vegetative screening or appropriate and adequate solid fencing.
- (5) Any proposed fencing must comply with all applicable height requirements. Natural colored fencing is preferred.
- (6) Roof mounted Solar Energy Equipment shall be located so as not to increase the total height of the structure above the maximum allowable height of the structure on which it is located, in accordance with the applicable zoning regulations.
- (7) The Board of Appeals, prior to issuing a permit for the placement of any solar

energy equipment, shall be provided with any requested information in regard to proving compliance with this section. This information may include a sun and shadow diagrams specific to the subject proposed installation which would enable the Board of Appeals to determine if solar access will be impaired due to the proposed location or to the location of objects which may obstruct the solar access.

- (8) The Board of Appeals may also require submission of detailed information, including maps, plans or dimensioned sketches, showing the proposed location, including setbacks from property lines or distances from structures which are used for habitation on neighboring properties.
- (9) The Zoning Administrator may also require the submission of an as-built plan showing the actual location of any installed solar energy equipment. If the equipment is not installed as permitted, the Board of Appeals may order its removal and/or relocation as appropriate.

§ 230-42. Accessory uses.

Accessory buildings and uses are those buildings and uses customarily incidental to any principal use or authorized conditional use, including:

- A. Private garages, parking areas, swimming pools, satellite television earth stations and other customary outbuildings and structures.
- B. Temporary real estate signs complying with § 230-89.
- C. Identification signs displaying only the name and nature of the premises or the occupant thereof or directing the way thereto, not exceeding eight (8) square feet in area.
- D. One (1) bulletin board or sign permitted for a church, school or other public or semi-public building, not to exceed twenty-four (24) square feet in size, which may be indirectly lighted.
- E. The keeping of not more than one (1) roomer or boarder by a resident family.

§ 230-43. Height regulations.

No principal structure shall exceed two and one-half (2 1/2) stories (thirty (30) feet in height), and no accessory structure shall exceed one and one-half (1 1/2) stories (twenty-five (25) feet in height). All public and semi-public utility buildings and structures must meet the requirements of § 230-93. Replacement buildings shall be the same as the building was before or approximately the same height and size as the existing adjoining buildings.

§ 230-44. Area, yard and bulk regulations.

Lot area, width and yard requirements shall be as follows:

- A. Lot area and width requirements.

Type of Use	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Lot Area Per Family (square feet)
Dwellings	8,000	60	8,000
Churches	2 acres	200	
Schools and colleges	5 acres	400	
Public utility uses	10,000	75	
Other permitted uses	8,000	60	

B. Yard requirements.

Replacement buildings shall have the same front yard setbacks as the existing adjoining buildings.

Type of Use	Front Yard Depth (feet)	Side Yard Least Width (feet)	Side Yard Sum of Widths (feet)	Rear Yard Depth (feet)
Dwellings	30	10	20	40
Churches	35	25	50	40
Schools and colleges	35	25	50	40
Public utility uses	35	25	40	40
Other permitted uses	35	25	50	40

§ 230-45. Parking regulations and facilities; recreational vehicles.

- A. Two (2) off-street parking spaces are required for each family or dwelling unit.
- B. Parking of a trailer or motor home is prohibited, except that no more than one (1) licensed recreational vehicle may be parked or stored on the premises. When so parked or stored, such vehicle must be in an accessory building or in the rear yard only.

ARTICLE VII R-3 Multifamily District

§ 230-46. Applicability.

The uses contained in this Article shall be permitted and the following regulations and the applicable regulations contained in other Articles shall apply in the R-3 Multifamily District.

§ 230-47. Principal permitted uses.

Principal permitted uses in the R-3 District shall be as follows:

- A. Single-family dwellings.
- B. Churches and parish houses.

- C. Schools and colleges for academic instruction.
- D. Public parks, playgrounds, community centers, golf courses and buildings or properties of a cultural or conservation nature.
- E. Two-family dwellings (duplex) existing, new construction or construction for which a building permit has been issued as of the effective date of this subsection.
- F. Multifamily dwellings existing or for which a building permit has been issued as of the effective date of this subsection and subject to the provisions of § 230-53.
- G. Townhouse developments existing or for which a building permit has been issued as of the effective date of this subsection and subject to the provisions of § 230-54.

§ 230-48. Conditional uses.

Conditional uses requiring Board authorization shall be as follows:

- A. Public and semi-public buildings.
- B. Hospitals, sanatoriums and religious or charitable institutions (not for contagious disease, mental, liquor or drug patients and not for penal or correctional institutions), provided that any such establishment must comply with the distance requirements of § 230-28.
- C. Cemeteries, provided that no graves or burial lots are located in the required front yard or required side yard setbacks.
- D. Public utilities, cables, utility poles, pipelines, railroad lines or any other utility located on a private right-of-way.
- E. Boat landings (docks or wharves).
- F. Licensed family day-care provider homes, nursery schools or day-care centers, provided that there is established and maintained in connection therewith a completely fenced play lot of adequate size in the rear setback area only. Such fence must be at least four (4) feet but no greater than six (6) feet in height and constructed in a manner such that it will not permit children or small animals to pass through it, provided also that any family day-care provider home or nursery school building must be located not less than six (6) feet from any other lot in any residential (R) district, and any licensed day-care center must be located not less than twenty (20) feet from any other lot in any residential (R) district. All such facilities must be properly licensed by the State of Maryland and must obtain a city business license annually⁵.

⁵Editor's Note: Section Four of this ordinance provides as follows: "The provisions of §§ 230-40F and 230-47F as amended by this ordinance shall not apply to family day-care provider homes, day-care centers or nursery schools which are duly licensed by the State of Maryland or have formally applied for such licensing on or before March 1, 1992, which meet the fencing requirements set forth in Section 2 of this ordinance and which have obtained a city license. However, any such property which shall subsequently cease to be used as a family day-care home, day-care center or nursery school for a period of ninety (90) days or shall lose its state licensing shall no longer be exempt from the provisions of Chapter 230 as amended hereby."

- G. Recreational clubs and facilities for private noncommercial use, private clubs, lodges and meeting places.
- H. Professional offices of the occupant only.
- I. Customary incidental home occupations, provided that nothing is sold or stocked except what is produced on the premises, that no person from outside the home shall be engaged in such occupation and that no building alteration is made or mechanical equipment is used which is not customary in dwellings. An indirectly lighted sign not over one (1) square foot in area shall be permitted in connection with such home occupation.
- J. Rest homes, nursing homes, or assisted living facilities or adult care centers, for transients or permanent residents.
- K. Professional offices for attorneys, medical doctors, psychologists, dentists and accountants, provided that any new building shall be designed and constructed in such a manner as to resemble a residential dwelling compatible with existing residential dwellings in the immediate neighborhood and no alteration to existing buildings is made or mechanical equipment is used which is not customary in residential dwellings. An indirectly lighted sign not over one (1) square foot in area shall be permitted in connection with such profession.
- L. Increasing the number of dwelling units in any existing multifamily dwelling that was expressly designed as a multi-family residential building.
- M. The keeping of more than one (1) roomer or boarder by a resident family.
- N. Community Residential Facility (Group Home)]
- O. A bed-and-breakfast type business for overnight lodgings and breakfast, provided that appropriate parking and other requirements of Chapter 230 are met. The number of rentable rooms to be determined by the Board following a public hearing.
- P. The Board of Appeals may permit Solar Energy Equipment as an accessory use subject to the following:
 - (1) Solar Energy Equipment may be on roofs of principal buildings or ground mounted.
 - (2) Placement of Solar Energy Equipment is not permitted within the required front yard setback unless the Board of Appeals determines that it is adequately screened from view from the public way so as to preclude any glare from the equipment which would adversely impact the vision of motorists on the public way. It is understood that this equipment may on occasion, be visible from the public way even if located in the side or the rear yard.
 - (3) If the solar energy equipment is unable to be located on the roof of the principal structure as is preferred, placement of ground mounted solar energy equipment in the required side or rear yard may be permitted only if the equipment is not located in the required setback for a structure in the subject zone from the

property line or a distance equal to the height of the accessory structure whichever is greater.

- (4) The solar energy equipment must be adequately screened from view of residential neighbors by appropriate vegetative screening or appropriate and adequate solid fencing.
- (5) Any proposed fencing must comply with all applicable height requirements. Natural colored fencing is preferred.
- (6) Roof mounted Solar Energy Equipment shall be located so as not to increase the total height of the structure above the maximum allowable height of the structure on which it is located, in accordance with the applicable zoning regulations.
- (7) The Board of Appeals, prior to issuing a permit for the placement of any solar energy equipment, shall be provided with any requested information in regard to proving compliance with this section. This information may include a sun and shadow diagrams specific to the subject proposed installation which would enable the Board of Appeals to determine if solar access will be impaired due to the proposed location or to the location of objects which may obstruct the solar access.
- (8) The Board of Appeals may also require submission of detailed information, including maps, plans or dimensioned sketches, showing the proposed location, including setbacks from property lines or distances from structures which are used for habitation on neighboring properties.
- (9) The Zoning Administrator may also require the submission of an as-built plan showing the actual location of any installed solar energy equipment. If the equipment is not installed as permitted, the Board of Appeals may order its removal and/or relocation as appropriate.

§ 230-49. Accessory uses.

Accessory uses in the R-3 District shall be as follows:

- A. Private garages, parking areas, swimming pools, satellite television earth stations and other customary outbuildings and structures.
- B. Temporary real estate signs complying with § 230-89.
- C. Identification signs displaying only the name and nature of the premises or the occupant thereof or directing the way thereto, not exceeding eight (8) square feet in area.
- D. One (1) bulletin board or sign permitted for a church, school or other public or semi-public building, not to exceed twenty-four (24) square feet in size, which may be indirectly lighted.
- E. The keeping of not more than two (2) roomers or boarders by a resident family.

- F. A multi-family development of more than forty (40) units or a subdivision of more than forty (40) lots may have one sign not to exceed twenty-four square feet in area, which may be indirectly lighted and may be attached or mounted on a pedestal or base that is proportional to the sign and to the site maximum overall sign height including base or pedestal may not exceed five (5) feet. Any such sign must be set back at least-ten feet (10) from the property line to allow for adequate traffic visibility.

§ 230-50. Height regulations.

No principal structure shall exceed (3) stories (forty (40) feet in height), and no accessory structure shall exceed one and one-half (1 1/2) stories (twenty-five (25) feet) in height. All public and semi-public utility buildings and structures must meet the requirements of § 230-93.

§ 230-51. Area, yard and bulk regulations.

Lot area, width and yard requirements shall be as follows:

- A. Lot area and width requirements.

Type of Use	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Lot Area Per Family (square feet)
Single-family dwellings	6,000	50	6,000
Duplexes	6,000	50	3,000 per unit
Multifamily	(14 units per acre)		
Churches	2 acres	200	
Schools and colleges	5 acres	200	
Public utility uses	6,000	100	
Other permitted uses	6,000	50	

- B. Yard requirements.

Type of Use	Front Yard Depth (feet)	Side Yard Least Width (feet)	Side Yard Sum of Widths (feet)	Rear Yard Depth (feet)
Single-family dwellings	25	6	16	35
Duplexes	30	10	20	35
Multifamily	35	35	70	35
Churches	35	25	50	40
Other permitted uses	35	25	50	40
Schools and colleges	35	20	40	40
Public utility uses	35	25	40	40
Other permitted uses	35	25	50	40

§ 230-52. Parking regulations and facilities; recreational vehicles.

- A. One and one-half (1 1/2) parking spaces are required for each dwelling unit. There shall be submitted a drawing showing the capacity and location and setbacks for parking areas.
- B. Parking of trailers or motor homes is prohibited, except that one (1) recreational vehicle may be parked/stored on the premises. When so parked/stored such vehicle must be in an accessory building or in the rear yard only.

§ 230-53. Multifamily developments.

The purpose of this section is to include all types of multifamily construction regardless of ownership, design or different identifications. Standards shall include, but not be limited to, apartments, garden apartments, townhouses, condominiums or the conversion of an existing structure for multifamily dwelling units.

- A. Building coverage and standards.
 - (1) All buildings in a multifamily project shall be of compatible architectural design.
 - (2) The total amount of land area permitted to be covered by structures is twenty-five percent (25%).
 - (3) The facades of units can be varied by material or design and setbacks with the approval of the Planning and Zoning Commission.
 - (4) Public water and sewage systems must be available to serve the project.
- B. Open space. All multifamily projects shall provide on-site open space areas at least equal to twenty-five percent (25%) of the total land area. Parking spaces and roadways shall not be included when computing open space areas.
- C. Minimum space between buildings. When more than one (1) multifamily building is built, no building shall be closer than thirty (30) feet from any other principal building. No accessory building shall be located less than six (6) feet from any principal or accessory building.
- D. Length of building. In a multifamily development, the length of one (1) building shall not exceed two hundred (200) feet.
- E. Landscaping plan. A landscaping plan shall be submitted and approved by the Planning and Zoning Commission.
- F. Comprehensive site/development plan.
 - (1) Multifamily dwellings shall be constructed according to an approved comprehensive site plan. No building permit shall be issued for any work in connection with the use or structure until the Planning and Zoning Commission shall have reviewed and approved a site plan for said use or structure.

- (2) The Planning and Zoning Commission shall review the site plan for compliance with Pocomoke City's Comprehensive Master Plan, this chapter and other applicable regulations. The Planning and Zoning Commission may require changes in the site plan or attach conditions or restrictions to coordinate the proposed development with surrounding properties or improve the protection of the public's health, safety and general welfare.
- (3) Planning and Zoning Commission approval shall authorize construction only in accordance with the approved site plan. Deviation from the approved site plan or failure to abide by attached restrictions and conditions shall be considered a violation of this chapter.
- (4) Site plan standards. The following drafting standards and information shall be required on the site plan as appropriate:
 - (a) Drafting standards. The site plan and all supporting drawings shall be prepared on one (1) or more reproducible sheets eighteen by fourteen (18 x 14) inches in size. The plan may be prepared in any conventional scale, provided that all information is clear and legible. The plan shall contain sufficient detail, labeling and dimensions to be easily understood. All lot dimensions shall be based on actual measurements or deed description.
 - (b) General data. The plans shall identify the name and address of the property owner and/or applicant, the general location of the property by use of an insert vicinity map, North arrow, scale, date and zoning classification. The plan shall also bear the signatures of the applicant, the property owner or his or her attorney and the person who prepared the site plan.
 - (c) Layout. The plan shall show all property lines, structures, building entrances, use areas, road access points, vehicular circulation, signs, yard setbacks, drainageways, utility lines, easements, landscaping, exterior lighting, fences, walls and other physical features. Both existing and proposed features shall be shown and labeled as such.
 - (d) Elevations. The plan shall show typical schematic elevations of the major buildings or structures and of any freestanding signs. The elevations shall indicate the type of construction and basic exterior materials and color treatment.
 - (e) Relationship to abutting roads and properties. The plan shall show the location of abutting roads, structures, use areas, parking lots, fences, walls, signs and other significant physical features within one hundred (100) feet of the property line.
 - (f) General description. Accompanying the site plan shall be a written description of the project and its intended use or operation. Such description shall be typed on sheets eight and one-half by eleven (8 1/2 x 11) inches in size.

G. Other data.

- (1) The Planning and Zoning Commission may require such data, drawings or documentation as it deems necessary to adequately review the application for compliance with the intent and provisions of this chapter.
- (2) Waiver. The Planning and Zoning Commission may, at its discretion, waive or modify the requirements that the site plan show all property lines when such lines are not necessary to conduct an adequate review of the application.

§ 230-54. Townhouses.

A. This section establishes certain standards and provisions for the appropriate location and development of sites for townhouses that will more fully and efficiently utilize available public utilities and services. This section is intended to provide the maximum amount of freedom in the design of townhouses and their grouping and layout with permitted residential districts.

B. The following regulations shall apply to any townhouse development approved by the Pocomoke City Planning and Zoning Commission:

(1) Area requirements.

- (a) Net lot area. Every townhouse dwelling shall have a minimum lot area of one thousand six hundred (1,600) square feet. A townhouse development shall have an average of not less than three thousand (3,000) square feet of land area per dwelling, but no townhouse development shall be located on a contiguous tract of land containing less than twenty thousand (20,000) square feet.
- (b) Building coverage. No more than thirty-five percent (35%) of the lot area shall be occupied by townhouses.
- (c) Open space. Not less than fifty percent (50%) of the lot area shall be devoted to open space; provided, however, that interior patio courts of not less than one hundred twenty-five (125) square feet in area nor of a minimum dimension of less than ten (10) feet may be computed as open space.

(2) Yard requirements.

- (a) Front yard. Each lot shall have a front yard not less than the front yard required for the district in which it is situated.
- (b) Side yard.

[1] A side yard at least ten (10) feet in width shall be provided at each end of every row of townhouses, provided that if the end of a townhouse is located adjacent to any road or street, public or

private, the side yard shall be at least twenty (20) feet in width. There shall be at least thirty (30) feet between townhouse buildings.

- [2] Each corner lot shall have a side yard requirement of a width equal to not less than one-half (1/2) of the required depth of the front yard on the lot in the rear.
- (c) Rear yard. Each lot shall have a rear yard of at least twenty-five (25) feet in depth. Accessory buildings shall be located only in a rear yard and shall occupy not over twenty-five percent (25%) thereof and shall be located not less than three (3) feet from a rear or side lot line, except that in the case of a corner lot, an accessory building shall be located in accordance with the setback requirements for a corner lot in the district in which it is located.
- (3) Minimum lot frontage at front building line. Each interior lot used for townhouses shall be not less than sixteen (16) feet wide, and there shall be not more than ten (10) townhouses in any one (1) building.
- (4) Building height limit. The height limit for a townhouse shall be two and one-half (2 1/2) stories measured on any external wall and not over thirty-five (35) feet, except that the height limit may be extended to three (3) stories, but not over forty (40) feet, if the front and side yards are increased in depth one-half (1/2) foot for each additional foot of height.
- (5) Roads. Each site used for townhouse development must have at least one hundred (100) feet on a public road. Interior access drives which are not dedicated for public use shall be improved to the standards set forth in Chapter 205, Subdivision of Land, unless they are under five hundred (500) feet in length, in which case they shall be at least twenty-four (24) feet wide. Points of access to public roads shall be approved by the Planning and Zoning Commission, County Roads Board or State Highway Administration, as applicable.
- (6) Off-street parking requirements. Off-street parking areas shall be one and one-half (1 1/2) spaces per townhouse. There shall be submitted a drawing showing the capacity, location, setbacks and lighting for parking areas.
- (7) Floor area. Every townhouse dwelling unit shall have a gross exterior floor area of at least the following minimum number of square feet:

Number of Bedrooms (per unit)	Minimum Floor Area (square feet)
1	625
2	750
3	875
4	1,025

C. Comprehensive site/development plan.

- (1) A townhouse site/development plan shall be submitted to the City Manager and Pocomoke City Planning and Zoning Commission with two (2) copies at least twenty-one (21) days prior to a regularly scheduled meeting of the Commission. The site/development plans shall show the following:
 - (a) Location and site of all buildings and structures.
 - (b) Area devoted to parking facilities, access roads, walkways, drives, parking areas and exterior lighting.
 - (c) The topography and vegetation features now existing on the land. The proposed grading, landscaping, drainageways, utility lines, easements and other physical features.
 - (d) Area to be devoted to open space, area for refuse disposal and area for tot lots to be included.
 - (e) Drawings to show floor plans of each townhouse, front and rear elevations and side elevations where applicable.
 - (f) Evidence of proposed covenants, restrictions and details of maintenance responsibility of common areas and open space to show that liability for maintenance of such areas shall attach to property owners within the development and that the same may be enforced by liens against the property owners in favor of the city or its assignee.
 - (2) Evidence of compliance with all other requirements (flood zone, critical areas, stormwater, erosion, etc.) must also be submitted.
 - (3) Review and recommendations.
 - (a) The Planning and Zoning Commission shall review the application and comprehensive site/development plan and consider the standards and purposes of these with a view to achieving a maximum of safety, convenience and amenity for surrounding area residents.
 - (b) The Planning and Zoning Commission shall submit, in writing, its findings and recommendations, and no building permit shall be issued until all requirements of this chapter and other applicable regulations are met.
 - (4) Limit on approval of building permit. The building permit shall be valid for only one (1) year, at which time it shall have lapsed and shall be of no further force or effect.
- D. The Planning and Zoning Commission shall require that an occupancy permit be issued after completion of construction and compliance with all sections of the townhouse development plan has been approved by the City Manager.

ARTICLE VIII Planned Redevelopment District (PRD) Floating Zone

§ 230-55. Purpose and Intent

The Planned Redevelopment District (PRD) is a floating zone. That means that while regulations are adopted to govern any development within a PRD, no such district is pre-mapped on the City's Official Zoning Map. The PRD is intended to permit master planned developments that the City Council determines are consistent with the *Pocomoke City Comprehensive Plan*, meet the requirements for PRDs in the Pocomoke City Zoning Ordinance and that are consistent with the following purposes:

- A. Accommodate growth in older sections of Pocomoke City by encouraging and facilitating new development on vacant, bypassed and underutilized land.
- B. Encourage efficient use of land and public services.
- C. Stimulate development investment in areas suffering from economic and/or structural decline.
- D. Encourage investment in infill and redevelopment projects by providing flexible development standards that permit innovative design solutions.
- E. Create high-quality neighborhoods.
- F. Implement the goals, objectives, and policies of the *Pocomoke City Comprehensive Plan*.
- G. Encourage compact mixed-use development that is pedestrian-scaled.

The PRD does not give any entitlements to develop, but permits development and land use pursuant to an approved Master Development Plan that meets the requirements of the Pocomoke City Zoning Ordinance and that is approved by the City Council at the time the PRD is applied to specific parcels of land. It is further the intent of the PRD to permit flexible development standards for projects. Subject to the specific standards applicable to PRDs, flexible development standards to increase density, reduce lot areas, widths and yards, increase minimum building dimension and allow limited non-residential uses may be permitted at the discretion of the Mayor and Council subject to proof of good cause and benefit to the development and the community, and upon recommendation by the Planning Commission. Building height and coverage may vary so long as the project average is consistent with the neighborhood scale, fits with best examples of local architecture patterns, and does not constitute a disruptive condition to the identity of the area.

§ 230-56. Applicability

The PRD classification may only be applied to areas designated as a Planned Redevelopment District on the Pocomoke City Official Zoning Map.

§ 230-57. Principal permitted uses

Principal permitted uses in the PRD shall be the principal permitted uses in the R-3 Multifamily District. The Planning Commission may recommend and the City Council may approve small retail, business or office uses within the PRD provided such uses are:

- A. Clearly incidental and secondary to the primary residential use of the property;
- B. Primarily serve local residents;
- C. Located on the ground floor of the building(s) in which the use or uses are proposed; and
- D. Appropriately integrated into the overall design of the PRD.

§ 230-58. Conditional Uses

- A. Conditional uses requiring Board of Appeals authorization shall be those conditional uses permitted in the R-3 Multifamily District.
- B. Conditional uses, when included in an approved Master Development Plan, shall be treated as a permitted uses in the PRD.

§ 230-59. Development Standards

Except as may be provided below PRD projects shall conform to the regulations and development standards applicable to the R-3 Multi-family Residential Zoning District.

- A. Height regulations.
 - (1) Maximum building height shall be in accordance with a Master Development Plan approved as part of a PRD development, however no principal structure shall exceed forty (40) feet in height and no accessory structure shall exceed one and one half (1½) stories or twenty-five (25) feet in height.
 - (2) The Planning Commission may permit architectural features to extend above the forty-foot (40) height limit provided that such features create no additional living space. Examples of such features include the following:
 - (a) Fire or parapet walls, cupolas, steeples, flagpoles, smokestacks, masts, water tanks or other roof superstructures.
 - (b) Monitors, scenery lofts, penthouses or roof structures for housing elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building.

B. Area, Yard and Bulk Regulations

Minimum lot area, width and yard requirements shall be in accordance with the approved Master Development Plan for the PRD.

C. Density

The maximum allowable density (dwelling units per acre) shall be established based on a Master Development Plan recommended for approval by the Planning Commission and approved by the Mayor and Council as part of a PRD development. Residential density exceeding that permitted in the R-3 Multifamily District may be approved by the Mayor

and Council subject to proof of good cause and benefit to the development and the community and upon recommendation by the Planning Commission. Densities in excess of the maximum permitted are not an entitlement in a PRD district. If the Planning Commission recommends, and the Mayor and Council find that the quality and characteristics of the proposed PRD project warrant, a density of up to twenty-five (25) units per gross acre may be permitted.

D. Open space

PRD projects shall provide on-site open space areas at least equal to twenty-five (25) percent of the total land area. For the purposes of this subsection, open space is defined as land intended for active or passive recreation and free of residential or service structures and uses. Parking spaces, driveways and roadway shall not be included when computing open space areas. Upon recommendation of the Planning Commission the City Council may accept an in-lieu fee for all or part of the required open space.

E. Length of building

Generally, any horizontal dimension of a building should not exceed 200 feet. The Planning Commission may recommend and the Mayor and Council may approve larger buildings if it is determined that such buildings are generally consistent with City architectural patterns and will not adversely impact adjacent property values or the existing neighborhood character.

F. Parking

Off-street parking standards applicable in the R-3 Multifamily District shall apply except that the Planning Commission may require additional off-street parking if it is determined that parking demand related to the proposed uses may exceed off-street parking capacity and overflow parking may adversely impact adjacent streets.

G. Accessory Uses

Accessory uses in the PRD shall be those accessory uses permitted in the R-3 Multifamily District.

§ 230-60. Procedure for Approval of a PRD District Floating Zone Amendment and Master Development Plan Approval

A. Purpose. The purpose and intent of the PRD floating zone amendment process is to permit specific and detailed mapping of areas and to provide for the creation of a Master Planned Development.

B. Preliminary Application. Preliminary application for a floating zone amendment for a PRD and Master Development Plan approval shall be made to the City Council. Preliminary applications shall include:

(1) A written petition for location of a PRD District and approval of a Master Development Plan, signed by the owners, and contract purchasers, if any, of the property that is the subject of the petition.

- (2) A narrative describing the following:
- (a) Statement of present and proposed ownership of all land within the development;
 - (b) Overall objectives of the proposed Master Development Plan and a statement of how the proposed development concept corresponds to and complies with the purpose and intent the PRD and the *Pocomoke City Comprehensive Plan*;
 - (c) Method of providing sewer and water service and other utilities, such as, but not limited to, telephone, gas, and electric services;
 - (d) Storm drainage areas and description of stormwater management concepts to be applied;
 - (e) Method of and responsibility for maintenance of open areas, private streets, recreational amenities, and parking areas;
 - (f) If a petitioner desires to develop the property in phases, a preliminary phasing plan indicating:
 - (i) The phase(s) in which the project will be developed, indicating the approximate land area, uses, densities, and public facilities to be developed during each phase.
 - (ii) If different land use types are to be included within the Master Development Plan, the plan should include the mix of uses anticipated to be built in each phase.
- (3) A Master Development Plan, which includes:
- (a) Boundary survey of the area subject to the application;
 - (b) Graphic and tabular presentation of proposed site development information that clearly depicts the following:
 - (i) Total acreage of subject property and identification of all adjoining landowners;
 - (ii) Existing topography and vegetation features and proposed grading, landscaping, drainageways, utility lines, easements and other physical features;
 - (iii) Description of proposed land uses and proposed area, yard and bulk standards;
 - (iv) Location and site of all buildings and structures;

- (v) Area devoted to parking facilities, access roads, walkways, driveways, parking areas and exterior lighting;
 - (vi) Drawing showing floor plans of residential units front and rear elevations and side elevations;
 - (vii) Maximum number of dwelling units and approximate densities; and
 - (viii) Location of common open space areas, sensitive resource areas (environmental or cultural), and proposed public facilities.
- C. Referral of Preliminary Application to Planning Commission. Upon receipt of an application for a PRD floating zone, the City Council shall refer the application to the Planning Commission for review in accordance with paragraph D below.
- D. Planning Commission Review and Recommendation – Floating Zone Amendment and Master Development Plan.
 - (1) The Planning Commission shall review the floating zone amendment request and Master Development Plan for compliance with the requirements of this Ordinance and consistency with the *Pocomoke City Comprehensive Plan*. The Planning Commission shall evaluate how the proposal meets the *Pocomoke City Comprehensive Plan* and other factors; and may retain outside consultants at the expense of the developer to assist the Planning Commission in the evaluation of the proposed PRD.
 - (a) The Planning Commission shall evaluate the degree to which the floating zone request and Master Development Plan incorporates and/or addresses the PRD purposes and furthers the goals and objectives of the *Pocomoke City Comprehensive Plan*.
 - (b) The Planning Commission may make reasonable recommendations to the petitioner regarding changes to the Master Development Plan proposal, which, in the judgment of the Commission, shall cause the proposal to better conform to the requirements of the *Pocomoke City Comprehensive Plan* and the purpose and intent of the PRD. The petitioner may resubmit the Master Development Plan to the Planning Commission in consideration of the Commission's comments.
 - (c) The Planning Commission may conduct a public hearing as provided in § 230-111.
 - (2) After deliberations the Planning Commission shall return the Master Development Plan, with any suggested revisions, together with written comments and recommendations concerning the floating zone to the City Council for action pursuant to the floating zone and Master Development Plan approval process.
- E. City Council Approval of Floating Zone and Master Development Plan.

- (1) The City Council shall review the Master Development Plan and other documents, together with such comments and recommendations as may have been offered by the Planning Commission.
- (2) The City Council may approve or disapprove the proposed floating zone map amendment and associated Master Development Plan, and shall follow the procedures set forth in Article XVII for the approval of district changes and other amendments. Concurrently with the approval of a floating zone, the City Council shall also approve the Master Development Plan, which, in addition to the provisions of the PRD, shall govern the subdivision and/or development of the property. In approving the PRD floating zone map amendment, the City Council shall make findings of fact, including, but not limited to the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the surrounding areas, and the relationship of the proposed amendment to the *Pocomoke City Comprehensive Plan*. The City Council may approve the PRD map amendment if it finds that the proposed floating zone amendment is:
 - (a) consistent with the *Pocomoke City Comprehensive Plan*;
 - (b) consistent with the stated purposes and intent of the PRD District;
 - (c) complies with the requirements of this Pocomoke City Zoning Code; and
 - (d) is compatible with adjoining land uses.
- (3) After approval of a floating zone amendment by the City Council, two (2) complete copies of the approved Master Development Plan shall be filed with the City Clerk. One (1) additional complete copy of the approved Master Development Plan shall be filed with the Planning Commission for reference during its subsequent review and approval of subdivision plats and/or site plans.
- (4) When a PRD Development is to be constructed in phases, final subdivision plat(s) shall not be required for a phase until such time as applications have been filed for a federal, state, or local permit for construction of that particular phase.
- (5) As part of the final Master Development Plan approval, the City Council may approve a date for initiation of the proposed development.

F. Additional Required Procedures.

- (1) The administrative procedures for approval of a site plan for property located within the PRD are set forth in the Pocomoke City Zoning Ordinance. Site plans shall conform to the approved Master Development Plan.
- (2) The administrative procedures for approval of a subdivision located within the PRD District shall be those of the Pocomoke City Subdivision Regulations set forth in the City Code. Final subdivision plats shall conform to the approved Master Development Plan.
- (3) Any development, site plan or subdivision approval for land in a PRD shall be consistent with the provisions of the PRD, and the specific Master Development Plan applicable to the property, as approved or amended by the City Council.

G. Amendment of Master Development Plan.

The procedure for amendment of an approved Master Development Plan shall be the same as for a new application, except that minor amendments of a Master Development Plan may be approved by the Planning Commission at a regular meeting. The Planning Commission shall provide a summary of any minor amendments they approve to the City Council for information purposes.

Using the guidelines set forth below, the Planning Commission shall determine whether the proposed amendment is a “minor amendment”. An amendment shall be deemed a “minor amendment”, provided that such amendment:

- (1) Does not conflict with the applicable purposes and land use standards of this Ordinance;
- (2) Does not prevent reasonable access of emergency vehicle access or deprive adjacent properties of adequate light and air flow;
- (3) Does not significantly change the general character of the land uses of the approved Master Development Plan;
- (4) Does not result in any substantial change of major external access points;
- (5) Does not increase the total approved number of dwelling units or height of buildings; and
- (6) Does not decrease the minimum specified setbacks, open space area, or minimum or maximum specified parking and loading spaces.

The phrase "minor amendments" includes, but is not limited to, changes to: the location, number or types of uses within the PRD Development or any phase(s) thereof, subject to 3, above; internal road locations or configurations; the number, type or location of dwelling units, subject to 5, above; and the location of public amenities, services or utilities.

Any amendment of a Master Development Plan that may adversely impact upon the delivery or the City's cost of public utilities, public services, public infrastructure, or otherwise adversely affects amenities available to the public or the public health and safety shall not be considered a minor amendment.

H. Conflict with other Articles

Provisions of the PRD Floating zone when found to be in conflict with other provisions of the Pocomoke City Zoning Ordinance and/or the Pocomoke City Subdivision Regulations shall supersede those other provisions with which they conflict.

ARTICLE IX B-1 Shopping District

§ 230-61. Site plans; applicability.

- A. In addition to all other requirements of this Article, any proposed new construction or substantive exterior modification of any principal buildings or other site improvements, or additions thereto, shall be first submitted to the Planning and Zoning Commission for site plan approval, as described in § 230-91 of this chapter. A building permit for such work may be issued following approval by the Planning and Zoning Commission and subsequent approval by the Mayor and Council based upon the recommendation of the Planning and Zoning Commission.
- B. The uses enumerated in this Article shall be permitted and the following regulations and the applicable regulations contained in other Articles shall apply in the B-1 Shopping District.

§ 230-62. Principal permitted uses.

Principal permitted uses in the B-1 District shall be as follows:

- A. Public parks, playgrounds and cultural or historical activities.
- B. Boat dock slips, piers, wharves, anchorages or moorages for yachts and pleasure boats or for boats for hire to carry passengers or for excursions, sightseeing, pleasure trips and fishing trips.
- C. Government buildings.
- D. Motels and hotels.
- E. Any community retail business or service establishment, such as a food, drug, clothing, hardware, accessory, variety or department store, a barber-, beauty, florist or specialty shop, a shoe repair shop, an automatic laundry or cleaning shop, a bank or savings and loan office or the like supplying commodities or performing services primarily for residents of the city and surrounding community.
- F. Restaurants, cafes or confectioneries.
- G. Antique or gift shops.
- H. Commercial parking garages and lots for passenger vehicles.
- I. Theaters, bowling alleys and dance studios.
- J. Funeral homes.
- K. Printing, upholstery, furniture repairing and interior decorating shops, provided that all operations are confined to enclosed buildings.
- L. General administrative and executive offices.

K. Pet grooming establishment provided:

- (1) The pet grooming establishment shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste;
- (2) All animal waste shall be placed in closed waste disposal containers and shall be disposed at least weekly. Offensive odors shall be controlled;
- (3) External yards or other external facilities for the keeping of animals shall not be permitted; and
- (4) Any sale of pet supplies is an accessory use only.

§ 230-63. Conditional uses.

Conditional uses requiring Board authorization shall be as follows:

A. Multifamily dwellings element and meeting the following requirements:

- (1) Multifamily development standards subject to § 230-53.
- (2) Townhouse development subject to § 230-54.

B. Nursery schools and child-care centers when located not less than twenty (20) feet from any lot in an R District, provided that there is established and maintained a completely fenced and screened play lot of adequate size.

C. The construction, erection, modification or alteration of up to one (1) apartment for residential use at or above the second floor level in existing buildings. Such apartment may contain no more than one (1) bedroom or sleeping room, except that owner-occupied units may contain up to three (3) bedrooms. One (1) off-street parking space will be required for each such apartment, except that owner-occupied units having more than one (1) bedroom shall have two (2) off-street parking spaces. The Planning Commission may reduce or waive off-street parking requirements where it is determined by the Planning Commission that adequate on-street parking is available within 600 feet of a public entrance of the building housing the apartment unit.

D. Auto service stations, light repair and storage garages, provided that all motor tuning or testing or other noisy activities shall be conducted within enclosed buildings.

E. Neighborhood shopping centers or mini-malls.

F. City sponsored farmers markets, including produce, arts, crafts and related items.

G. Outdoor cafes.

H. Rest homes, nursing homes or for transients or permanent residents.

I. Boarding- and lodging houses.⁶

⁶Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- J. Bed and breakfast establishments.⁷
- K. Community Residential Facility (Group Home)
- L. The Board of Appeals may permit Solar Energy Equipment as an accessory use subject to the following:
- (1) Solar Energy Equipment may be on roofs of principal buildings or ground mounted.
 - (2) Placement of Solar Energy Equipment is not permitted within the required front yard setback unless the Board of Appeals determines that it is adequately screened from view from the public way so as to preclude any glare from the equipment which would adversely impact the vision of motorists on the public way. It is understood that this equipment may on occasion, be visible from the public way even if located in the side or the rear yard.
 - (3) If the solar energy equipment is unable to be located on the roof of the principal structure as is preferred, placement of ground mounted solar energy equipment in the required side or rear yard may be permitted only if the equipment is not located in the required setback for a structure in the subject zone from the property line or a distance equal to the height of the accessory structure whichever is greater.
 - (4) The solar energy equipment must be adequately screened from view of residential neighbors by appropriate vegetative screening or appropriate and adequate solid fencing.
 - (5) Any proposed fencing must comply with all applicable height requirements. Natural colored fencing is preferred.
 - (6) Roof mounted Solar Energy Equipment shall be located so as not to increase the total height of the structure above the maximum allowable height of the structure on which it is located, in accordance with the applicable zoning regulations.
 - (7) The Board of Appeals, prior to issuing a permit for the placement of any solar energy equipment, shall be provided with any requested information in regard to proving compliance with this section. This information may include a sun and shadow diagrams specific to the subject proposed installation which would enable the Board of Appeals to determine if solar access will be impaired due to the proposed location or to the location of objects which may obstruct the solar access.
 - (8) The Board of Appeals may also require submission of detailed information, including maps, plans or dimensioned sketches, showing the proposed location, including setbacks from property lines or distances from structures which are used

⁷ Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

for habitation on neighboring properties.

- (9) The Zoning Administrator may also require the submission of an as-built plan showing the actual location of any installed solar energy equipment. If the equipment is not installed as permitted, the Board of Appeals may order its removal and/or relocation as appropriate.

M. Alcohol sales in conjunction with a restaurant only and with appropriate licenses.

§ 230-64. Accessory uses.

Accessory uses in the B-1 District shall be as follows:

- A. Private garages, parking areas and other customary outbuildings and structures.
- B. Identification or exterior signs pertaining only to the uses conducted on the premises. Such signs shall be integral with or attached to the building. The areas of all signs on the premises shall not exceed in the aggregate one (1) square foot for each linear foot of building frontage.
- C. Directional or incidental signs, not exceeding four (4) square feet each in area, required in connection with the operation of an automobile service station, parking lot or similar use, provided that such signs do not extend over street lines nor otherwise obstruct or impair the safety of pedestrians or motorists.
- D. The cleaning, laundering, repairing or other treatment of objects as a retail service to the customers on the premises, in which operation not more than three (3) persons shall be engaged at one time.

§ 230-65. Use regulations; prohibited uses.

- A. All business and processing shall be conducted wholly within completely enclosed buildings, except for the farmer's market building, outdoor cafes and the sale of automobile fuels, lubricant and incidental services at service stations.
- B. Off-street loading spaces and off-street parking spaces shall be regulated under special provisions as set forth in §§ 230-85 and 230-86.
- C. Where a B-1 District fronts directly across the street from any R District, the parking and loading facilities shall be set back at least twenty-five (25) feet from the street line, and the intervening space shall be landscaped. All buildings in such cases shall be set back at least fifteen (15) feet.
- D. Goods sold or stocked shall consist primarily of new merchandise or of bona fide antiques, except for items sold at farmers market.
- E. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of hazard, odor, dust, smoke, cinders, gas, fumes, noise, vibration, radiation, refuse matter or water-carried waste.

- F. Prohibited uses include any uses first allowed in a lower zoning district and residential apartments or housing units at first floor (ground) level.
- G. Other prohibited uses include pawn shops, tattoo parlors, body piercing parlors (not including ear piercing), adult book stores, massage parlors, and towers or similar uses.

§ 230-66. Area, yard and bulk regulations.

- A. All existing lots prior to modification of this chapter are exempt.
- B. For a permitted use, deeds of record and description will be considered as the lot size to be used.

§ 230-67. Height regulations.

No structure shall exceed three (3) stories or forty (40) feet in height. Where a building is to be located between two (2) existing principal buildings and within two hundred (200) feet in the same block front, the proposed building shall be constructed to a height that is the average of the height of the adjacent buildings.

§ 230-68. Downtown Central Business District.

- A. All businesses established in this area shall be reviewed through the Pocomoke City Comprehensive Master Plan.
- B. Replacement buildings should be the same height and have the same setbacks as the existing adjoining buildings.

ARTICLE X B-2 General Business District

§ 230-69. Site plans; applicability.

- A. In addition to all other requirements of this Article, any proposed new construction or substantive exterior modification of any principal buildings or other site improvements, or additions thereto, shall be first submitted to the Planning and Zoning Commission for site plan approval, as described in § 230-91 of this chapter. A building permit for such work may be issued following approval by the Planning and Zoning Commission and subsequent approval by the Mayor and Council based upon the recommendation of the Planning and Zoning Commission.
- B. The uses enumerated in this Article shall be permitted and the following regulations and the applicable regulations contained in other Articles shall apply in the B-2 General District.

§ 230-70. Principal permitted uses.

Principal permitted uses in the B-2 District shall be as follows:

- A. Public parks, playgrounds and cultural or historical activities.
- B. Boat dock slips, piers, wharves, anchorages or moorages for yachts and pleasure boats or for boats for hire to carry passengers or for excursions, sightseeing, pleasure trips and fishing trips.
- C. Government Buildings, Churches.
- D. Boarding- and lodging houses.
- E. Motels and hotels.
- F. Any community retail business or service establishment, such as a food, drug, clothing, hardware, accessory, variety or department store, a barber-, beauty, florist or specialty shop, a shoe repair shop, an automatic laundry or cleaning shop, a bank or savings and loan office or the like supplying commodities or performing services primarily for residents of the city and surrounding community.
- G. Restaurants, cafes or confectioneries.
- H. Antique or gift shops.
- I. Commercial parking garages and lots for passenger vehicles.
- J. Theaters, bowling alleys and dance studios.
- K. Funeral homes.
- L. Printing, upholstery, furniture repairing and interior decorating shops, provided that all operations are confined to enclosed buildings.
- M. General administrative and executive offices.
- N. Produce stands.
- O. Taverns, nightclubs and drive-in eating and drinking establishments, including entertainment and dancing, provided that the principal building shall be the distance of at least two hundred (200) feet from any lot in an R District.
- P. Automobile parking lots, repair shops or general garages, subject to the conditions below:
 - (1) No gasoline station, public garage or automobile shop shall have an entrance or exit for vehicles within two hundred (200) feet along the same side street of the premises of any school, public playground, church, hospital, public library or institution for dependents or children, except where such property is in another block or on another street which the lot in question does not abut, but in no case shall any such gasoline filling station, repair shop or garage be located within one hundred (100) feet of any said public or semi-public or institutional buildings or properties. This regulation shall not be interpreted, however, as prohibiting a parking area accessory to and on the premises of the institution itself.

- (2) No gasoline filling station or public garage shall be permitted where any oil drainage pit or visible appliance for any such purpose, other than filling caps, is located within twelve (12) feet of any street lot line or within twenty-five (25) feet of any R District, except where such appliance or pit is within a building.
- (3) On all corner lots, all vehicular entrances to or exits from any gasoline filling station or commercial, customer or employee parking lot for more than five (5) motor vehicles or public garage or automobile repair shop shall be not less than twenty-five (25) feet from the corner property lines extended. No such vehicular entrance or exit, whether on a corner lot or not, shall exceed forty (40) feet in width at the curblin or thirty (30) feet at the property line.
- Q. Automobile, tire, battery, trailer and implement establishments for display, hire, sale or general repair, including sales lots.
- R. Animal hospital, veterinary clinic or kennel, provided that any structure or area used for such purposes shall be the distance of at least two hundred (200) feet from any lot in an R District.
- S. Bakery, laundry, clothes cleaning and dyeing establishments, provided that any principal building shall be the distance of at least one hundred (100) feet from any lot in an R District.
- T. Wholesale business, warehousing, storage and distributing establishments, except for flammable liquids, paints, explosives or other hazardous materials.
- U. Contractor's equipment storage yard for storage of equipment used by contractor.
- V. Retail sales of building supplies and retail lumber yard, including mill work only when incidental.
- W. Stone or monument works not employing power-driven tools or, if employing such tools, then only within a completely enclosed building which shall be the distance at least one hundred (100) feet from any lot in an R District.
- X. Electric, communications, water, sewer, gas and fuel transmission lines and necessary equipment incidental thereto excluding towers, and wireless transmitting stations excluding towers, transformers, boosters, railroad lines and stations.
- Y. Beer, wine or liquor take-out stores.
- Z. Any other use that is determined by the Board of Zoning Appeals to be of the same general character as the above-mentioned uses.

§ 230-71. Conditional uses.

Conditional uses requiring Board authorization shall be as follows:

- A. Nursery schools and child-care centers when located not less than twenty (20) feet from

any lot in an R District, provided that there is established and maintained a completely fenced and screened play lot of adequate size.

- B. Residential apartments at or above the second floor level of existing commercial buildings.
- C. Auto service stations, light repair and storage garages, provided that all motor tuning or testing or other noisy activities shall be conducted within enclosed buildings.
- D. Neighborhood shopping centers or mini-malls.
- E. Farmers markets, including produce, arts, crafts and related items.
- F. Flammable liquids, underground storage only, not to exceed forty thousand (40,000) gallons, provided that the distance shall be at least two hundred (200) feet from any lot in an R District.
- G. Swimming pools, dancing, skating, golf driving ranges, livery stables, riding academies, amusement parks, circuses, carnivals, pool halls, video arcades, target ranges or similar open-air recreational uses and facilities, except racetracks shall be the distance of at least two hundred (200) feet from any lot in an R District.
- H. Revival tents and outdoor meetings.
- I. Rest homes, nursing homes for transients or permanent residents.
- J. Dry nightclubs, provided that:
 - (1) There shall be a separation of at least one thousand five hundred (1500) feet between dry nightclubs, and also between dry nightclubs and establishments holding liquor licenses as issued by the Worcester County Board of License Commissioners.
 - (2) The initial conditional use granted to an applicant by the Board of Zoning Appeals shall be for a period not to exceed one (1) year. Subsequent conditional uses may be granted for a longer period provided an acceptable performance record has been established.
 - (3) The hours of operation (admissions and sales) shall be from 4:00 p.m. to midnight, with patrons off the premises by 12:20 a.m. for under 21 dry nightclubs. The hours of operation (admissions and sales) shall be from 4:00 p.m. to 1:30 a.m. of the following day, with all patrons off the premises by 2:00 a.m. for over 21 dry nightclubs.
 - (4) Patrons shall be at least 15 years old and younger than 21 years old for under 21 dry nightclubs and 21 and older for over 21 dry nightclubs.
 - (5) There shall be a minimum of two interior security personnel at least 21 years of age on duty during all hours the club is open. If the capacity of the club exceeds 200 persons, one additional security person shall be required for each 50 persons

over 200. The functions of the security personnel shall be only security; they shall not perform other jobs such as dishwashing, bartenders, doorkeepers, etc., while customers are in the building. Security personnel shall be attired in a manner to be clearly identifiable as security personnel. Security personnel must be at least 21 years old and must pass “background” checks similar to Day Care Workers.

- (6) The business must take place completely inside an enclosed building (not to exceed 2,500 square feet).
- (7) The building must be completely enclosed and soundproofed.
- (8) There shall be no outside amplification of any sound.
- (9) There shall be no outside hawking, soliciting of customers, electronic displays, or dissemination of promotional materials.
- (10) There shall be no activity outside the building other than customer parking, ingress and egress. Patrons are not permitted to congregate in the parking lot of other portions of the premises, except in line to enter the building.
- (11) There must be a minimum distance of one thousand (1,000) feet of separation between any building used as a dry nightclub and any lot in my R district.
- (12) All parking and other requirements of the City Code must be satisfied.
- (13) Applications requirements.
 - (a) If the applicant is a corporation, partnership or joint venture, each stockholder, partner, or person affiliated with the corporation, partnership or joint venture shall be identified on the application. The application shall include the address and telephone number of each such person. The name, address and telephone number of the manager or other person principally in charge of the operation shall also be included on the application.
 - (b) All applicants shall be at least 21 years of age.
 - (c) The following documentation must be submitted with the conditional use and license applications:
 - (i) A letter from the Pocomoke Chief of Police stating whether any of the applicants have, in the past five (5) years, been convicted of any felony or misdemeanor.
 - (ii) A letter from the Worcester County Fire Marshal stating that the application meets all applicable fire code regulations, reporting whether the applicant or club has violated any fire provisions in previous operations, and stating the allowed capacity of the club.
 - (iii) A letter from the Pocomoke City Zoning Administrator reporting whether applicant or club has had any violations of zoning

ordinance or previous Conditional Use Agreements.

- (d) Any fraudulent, misleading or false statements contained in the application or made during the Conditional Use approval process shall be grounds for denial of the Conditional Use request and issuance of a business license and dry nightclub license, or for revocation of such licenses, if determined after their issuance.

K. Community Residential Facility (Group Home)

L. Kennel, Commercial

M. The Board of Appeals may permit Solar Energy Equipment as an accessory use subject to the following:

- (1) Solar Energy Equipment may be on roofs of principal buildings or ground mounted.
- (2) Placement of Solar Energy Equipment is not permitted within the required front yard setback unless the Board of Appeals determines that it is adequately screened from view from the public way so as to preclude any glare from the equipment which would adversely impact the vision of motorists on the public way. It is understood that this equipment may on occasion, be visible from the public way even if located in the side or the rear yard.
- (3) If the solar energy equipment is unable to be located on the roof of the principal structure as is preferred, placement of ground mounted solar energy equipment in the required side or rear yard may be permitted only if the equipment is not located in the required setback for a structure in the subject zone from the property line or a distance equal to the height of the accessory structure whichever is greater.
- (4) The solar energy equipment must be adequately screened from view of residential neighbors by appropriate vegetative screening or appropriate and adequate solid fencing.
- (5) Any proposed fencing must comply with all applicable height requirements. Natural colored fencing is preferred.
- (6) Roof mounted Solar Energy Equipment shall be located so as not to increase the total height of the structure above the maximum allowable height of the structure on which it is located, in accordance with the applicable zoning regulations.
- (7) The Board of Appeals, prior to issuing a permit for the placement of any solar energy equipment, shall be provided with any requested information in regard to proving compliance with this section. This information may include a sun and shadow diagrams specific to the subject proposed installation which would enable the Board of Appeals to determine if solar access will be impaired due to the proposed location or to the location of objects which may obstruct the solar access.

- (8) The Board of Appeals may also require submission of detailed information, including maps, plans or dimensioned sketches, showing the proposed location, including setbacks from property lines or distances from structures which are used for habitation on neighboring properties.
- (9) The Zoning Administrator may also require the submission of an as-built plan showing the actual location of any installed solar energy equipment. If the equipment is not installed as permitted, the Board of Appeals may order its removal and/or relocation as appropriate.

§ 230-72. Accessory uses.

Accessory uses in the B-2 District shall be as follows:

- A. Private garages, parking areas and other customary outbuildings and structures.
- B. Directional or other incidental signs, not exceeding four (4) square feet each in area, required in connection with the operation of an automobile service station, parking lot or similar use, provided that such signs do not extend over street lines nor otherwise obstruct or impair the safety of pedestrians or motorists.
- C. The cleaning, laundering, repairing or other treatment of objects as a retail service to the customers on the premises, in which operation not more than three (3) persons shall be engaged at one time.
- D. Identification or exterior signs pertaining only to the uses conducted on the premises. Such signs shall be integral with or attached to the building or freestanding. The areas of all signs on the premises shall not exceed in the aggregate two (2) square feet for each linear foot of building frontage. Freestanding signs shall not extend over street lines nor otherwise obstruct or impair the safety of pedestrians or motorists.

§ 230-73. Use regulations; Prohibited Uses.

- A. Processes, equipment employed and goods processed and sold shall be limited to those which are not objectionable by reason of hazard, odor, dust, smoke, cinders, gas, fumes, noise, vibration, radiation, refuse matter or water-carried waste.
- B. The front of lots for public display or sale of automobiles, trucks, trailers, implements, boats or other machinery or equipment shall be landscaped and neatly maintained. No lighting of such lot, other than minimum protective night lighting, shall remain on after normal business hours. All lighting shall be shaded so as to direct the light away from residential premises and from public streets.
- C. Along any side adjacent to any R District or institutional premises, an ornamental wall, fence or compact evergreen hedge and wire fence, not less than four (4) feet nor more than six (6) feet high, shall be installed and maintained in good condition, without any advertising attached to it.
- D. Prohibited uses include any uses first allowed in a lower zoning district, and pawn shops,

tattoo parlors, body piercing parlors (not including ear piercing) adult book stores, massage parlors, towers, and similar uses.

§ 230-74. Height regulations.

No structure shall exceed three (3) stories or forty (40) feet in height. All public and semi-public utility buildings and structures must meet the requirements of § 230-93.

§ 230-75. Area, yard and bulk regulations.

The following minimum requirements shall be observed:

A. Lot area and width requirements.

Permitted Uses	Minimum Lot Area (square feet)	Minimum Lot Width (feet)
As listed in B-2 General Business	6,000	60

B. Yard requirements.

	Front Yard Depth (feet)	Side Yard Width, Each Side Yard (feet)	Rear Yard Depth (feet)
Minimum (Property line behind curb line)	25	5	20

C. All setbacks should be comparable with adjoining buildings and not less than twenty-five foot frontage.

ARTICLE XI M-1 Light Industrial District

§ 230-76. Purpose.

- A. The purpose of this Article is to provide for the establishment of an industrial park district, recognizing that the trend in industrial development is toward protected industrial zones.
- B. This Article is intended to provide suitable standards for the development of industrial parks within an area defined on the City Zoning Map.⁸

§ 230-77. Site plans.

⁸Editor's Note: The Zoning Map is on file in the office of the Zoning Inspector.

In addition to all other requirements of this Article, any proposed new construction or substantial exterior modification of any principal buildings or other site improvements, or additions thereto, shall be first submitted to the Planning and Zoning Commission for site plan approval, as described in § 230-91 of this chapter. A building permit for such work may be issued following approval by the Planning and Zoning Commission and subsequent approval by the Mayor and Council based upon the recommendation of the Planning and Zoning Commission.

§ 230-78. Principal permitted uses.

Principal permitted uses in the M-1 District shall be as follows:

- A. The manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals, musical instruments, novelties, molded rubber or plastic products, electronic appliances, instruments or devices, optical or dental goods, printed matter and similar products.
- B. The preparation or packaging of food products, except for rendering plants. The processing of seafood, including storage of completed inventory and other necessary materials, shall not include the opening, shucking, picking, scaling or deboning of any seafood. The processing of other food products will be allowed so long as it does not adversely affect the operation of the Pocomoke Sewage Treatment Plant.
- C. The manufacturing, compounding, blending assembly or treatment of articles of merchandise from previously prepared materials, such as bone, cloth, cork, fiber, feathers, paper, plastics, metals, stone, thread, tobacco, wax, yarn, chemicals, liquids or similar products, except that no sawmill, planing mill or punch press shall be permitted without a variance from the Board.
- D. The manufacturing of pottery or other similar ceramic products using only previously pulverized clay and kilns fired only by gas or electricity.
- E. Laboratories, chemical, physical or biological, not including high explosives or toxic chemicals, fumes, odors, etc.
- F. The manufacturing and repair of electric signs, advertising structures and light sheet metal products (heating and ventilating equipment).
- G. Plumbing and roofing shops.
- H. The following uses when conducted wholly within completely enclosed buildings:
 - (1) Automobile, truck trailer, bus, implement, machinery or similar equipment fabrication assembly or major repair including machine shops, structural steel and fabrication shops.
 - (2) Automobile body or paint shops.
 - (3) Tire recapping plants.
 - (4) Creamery, bottling, ice manufacturing or cold storage plant or milk distributing

depot.

- (5) Foundry casting lightweight nonferrous metals or electric foundry not producing noxious fumes or odor.
- (6) Bag, carpet and rug cleaning plants, provided that equipment is used to effectively precipitate or recover dust.
- (7) Manufacturing of boxes, furniture, cabinets, baskets and other wood products of similar nature.
- (8) Wholesale merchandising and storage warehouses, with floor area devoted to warehousing and handling of merchandise, excluding fuels and other flammable liquids or explosives.
- (9) Freezer plants or frozen food storage facilities.
- I. Other similar uses as determined by the Planning and Zoning Commission. Uses not specified or determined to be similar to other permitted uses by the Planning and Zoning Commission must be approved by the Board of Zoning Appeals.
- J. Fairgrounds and racetracks.
- K. Hair or hair products manufacturing.
- L. Chicken hatchery.
- M. Kennel, Commercial

§ 230-79. Conditional Uses.

Conditional uses requiring Board authorization shall be as follows:

- A. Towers, but subject to the following minimum additional requirements in addition to all requirements of this Article as applicable.
 - (1) Towers shall be located a minimum distance of two hundred feet (200') from any lot line, street or right-of-way or a minimum of one hundred fifty feet (150') plus the height of the tower, from any lot line, street or right-of-way, whichever is greater.
 - (2) The engineering, design and construction of towers is subject to approval of the Board.
 - (3) Towers shall be enclosed by decay resistant security fencing not less than six feet (6') in height equipped with an anti-climbing device or other similar protective device designed to prevent tower access.
- B. The operation of an aquaculture facility and business, including but not limited to the raising and production of fish and all types of marine life, with the exception of shell fish,

but including crayfish, shrimp and related species, in tanks, in enclosures and in enclosed ponds. The permitted use of aquaculture also includes, but is not limited to, the raising of said fish and marine life a hereinbefore recited, the processing of the same on site, including the scaling, evisceration, filleting, packaging, smoking, and/or curing of the same, and the storage of living and processed aquaculture products, but not the long-term storage, processing or on-site disposal of fish and marine life body parts or by-products that are not intended for resale for human consumption.

- C. Gas storage (fuel), including liquefied gas, for distribution to customers.
- D. Candle manufacturing.
- E. Concrete mixing plants.
- F. Cooperage works.
- G. Meat packing and seafood packing, but not stockyards or slaughterhouses.
- H. Sandblasting or cutting.
- I. Sawmill or planing mill or the manufacture of excelsior, wood fiber or sawdust products.
- J. Stone or monument works employing power driven tools.
- K. Boiler shops, machine shops, structural steel fabrication shops and railway repair shops.
- L. Brick, pottery, tile or terra cotta manufacturing.
- M. Forge or foundry works.
- N. Any other use which in the opinion of the Board of Zoning Appeals is of similar character to those specified above.
- O. Community Treatment Facility (Rehabilitation House), Secure Community Transition Facility (Halfway House) subject to the following conditions:
 - (1) The use is located or maintained at a distance so that it is not across the street from, across the parking lot from, adjacent to, or within the line of sight of the following pre-existing uses, as measured from the nearest property line of the Secure Community Transition Facility or Community Treatment Facility to the nearest property line of the pre-existing use. The definition of “within line of sight” means that it is possible to reasonably and visually distinguish and recognize individuals. For the purposes of granting a conditional use permit, the Board of Appeals shall consider an unobstructed visual distance of 600 feet to be “within line of sight.” Through the conditional use process, “line of sight” may be considered to be less than 600 feet if the applicant can demonstrate that visual barriers exist or can be created that would reduce the line of sight to less than 600 feet.

- (a) Public library;
 - (b) Public playground, sports field, recreational center, community center, park, publicly dedicated trail;
 - (c) Public or private school and its grounds of pre-school to twelfth grade;
 - (d) School bus stop;
 - (e) Child day-care center;
 - (f) Place-of worship such as church, mosque, synagogue, and temple;
 - (g) Another Secure Community Transition Facility subject to the provisions of this section; and
 - (h) Any other risk potential activity or facility identified by the Board of Appeals.
- (2) The Secure Community Transition Facility or Community Treatment Facility shall meet all applicable state, federal, and local licensing for a facility authorized by state, federal, or local authorities to confine and treat sex offenders through a rehabilitation treatment program for those conditionally released from total confinement under a court-ordered civil commitment; and
 - (3) The applicant shall demonstrate that it has met all the standards required by state law for public safety, staffing, security, and training, and those standards shall be maintained for the duration of the operation of the Secure Community Transition Facility or Community Treatment Facility.

P. Small Wind Energy System may be permitted as an accessory use in M-1 District districts subject to the following requirements:

- (1) Setbacks. A wind tower for a Small Wind Energy System shall be set back a distance equal to its total height plus an additional 20 feet from:
 - (a) any State, City or County right-of-way or the nearest edge of a State, City or County roadway, whichever is closer;
 - (b) any right of ingress or egress on the owner's property;
 - (c) any overhead utility lines;
 - (d) all property lines; and
 - (e) any existing guy wire, anchor or small wind energy tower on the property.
- (2) Access.
 - (a) All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 - (b) The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.
- (3) Electrical wires. All electrical wires associated with a Small Wind Energy

System, other than wires necessary to connect the wind generator to the wind tower wiring, the wind tower wiring to the disconnect junction box, and the grounding wires shall be located underground.

- (4) Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). Lighting of other parts of the Small Wind Energy Systems, such as appurtenant structures, shall be limited to that required for safety purposes, and shall be reasonably shielded from abutting properties.
- (5) Appearance, color, and finish. The wind generator and wind tower shall remain painted or finished the color or finish that was originally applied by the manufacturer.
- (6) Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, wind tower, building, or other structure associated with a Small Wind Energy System visible from any public road shall be prohibited.
- (7) Code compliance. A Small Wind Energy System including wind tower shall comply with all applicable construction and electrical codes.
- (8) Utility notification and interconnection. Small Wind Energy Systems that connect to the electric utility shall comply with the Public Service Commission regulations.
- (9) Small Wind Energy Systems shall not be attached to any building, including guy wires.
- (10) Each property is eligible for two Small Wind Energy Systems only.
- (11) Abandonment.
 - (a) A Small Wind Energy System that is out-of-service for a continuous 6-month period will be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the owner of a Small Wind Energy System that is deemed to have been abandoned. The Owner shall have the right to respond in writing to the Notice of Abandonment setting forth the reasons for operational difficulty and providing a reasonable timetable for corrective action, within 30 days from the date of the Notice. The Administrator shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned.
 - (b) If the Small Wind Energy System is determined to be abandoned, the owner of a Small Wind Energy System shall remove the wind generator from the wind tower at the Owner's sole expense within 3 months of the date of Notice of Abandonment. If the owner fails to remove the wind generator from the wind tower, the Administrator may pursue a legal

action to have the wind generator removed at the Owner's expense.

(12) Public Service Commission.

In accordance with the Maryland Annotated Code, Public Utilities Companies any property owner seeking to construct a Small Wind Energy System and connect such system to the main power grid with the capability of transporting energy back to their main power company shall apply to the Public Service Commission (PSC) for approval and provide documentation of such approval to the City prior to construction and being issued a building permit.

(13) Variances.

Variances to the distances, restrictions, and standards contained in this Article are not permitted.

(14) Noise.

All Small Wind Energy Systems shall comply with the limitations contained in the State law.

(15) Violations.

It is unlawful for any person to construct, install, or operate a Small Wind Energy System that is not in compliance with this chapter or with any condition contained in a building permit issued pursuant to this chapter.

Q. The Board of Appeals may permit Solar Energy Equipment as an accessory use subject to the following:

- (1) Solar Energy Equipment may be on roofs of principal buildings or ground mounted.
- (2) Placement of Solar Energy Equipment is not permitted within the required front yard setback unless the Board of Appeals determines that it is adequately screened from view from the public way so as to preclude any glare from the equipment which would adversely impact the vision of motorists on the public way. It is understood that this equipment may on occasion, be visible from the public way even if located in the side or the rear yard.
- (3) If the solar energy equipment is unable to be located on the roof of the principal structure as is preferred, placement of ground mounted solar energy equipment in the required side or rear yard may be permitted only if the equipment is not located in the required setback for a structure in the subject zone from the property line or a distance equal to the height of the accessory structure whichever is greater.
- (4) The solar energy equipment must be adequately screened from view of residential neighbors by appropriate vegetative screening or appropriate and adequate solid fencing.

- (5) Any proposed fencing must comply with all applicable height requirements. Natural colored fencing is preferred.
- (6) Roof mounted Solar Energy Equipment shall be located so as not to increase the total height of the structure above the maximum allowable height of the structure on which it is located, in accordance with the applicable zoning regulations.
- (7) The Board of Appeals, prior to issuing a permit for the placement of any solar energy equipment, shall be provided with any requested information in regard to proving compliance with this section. This information may include a sun and shadow diagrams specific to the subject proposed installation which would enable the Board of Appeals to determine if solar access will be impaired due to the proposed location or to the location of objects which may obstruct the solar access.
- (8) The Board of Appeals may also require submission of detailed information, including maps, plans or dimensioned sketches, showing the proposed location, including setbacks from property lines or distances from structures which are used for habitation on neighboring properties.
- (9) The Zoning Administrator may also require the submission of an as-built plan showing the actual location of any installed solar energy equipment. If the equipment is not installed as permitted, the Board of Appeals may order its removal and/or relocation as appropriate.

§ 230-80. General standards and requirements.

- A. Construction and alterations. No buildings, fences, landscaping, wall structure or alterations shall be commenced unless complete plans and specifications therefore, showing the nature, kind, shape, size, construction materials, color scheme and the location of such structure or alteration, and, when requested, any grading plans shall be first submitted to the Planning and Zoning Commission. The Planning and Zoning Commission shall have the right to refuse to approve any such plans or specifications, grading plans, material or color scheme that is not suitable or desirable in its opinion for aesthetic or other reasons. Every building or other structure placed on any part of said property shall be constructed from new material. The exterior walls of all such buildings or structures shall be fireproof material. No wooden frame buildings are allowed.
- B. Lot size. The minimum lot size for industrial development will be two (2) acres.
- C. Setbacks. All buildings and other structures shall comply with the following setback requirements (minimums):
 - (1) Front setback: fifty (50) feet from street right-of-way.
 - (2) Rear setback: twenty-five (25) feet, except a rear property line forty (40) feet from any adjoining residential zoned property.
 - (3) Side setback: fifty (50) feet from any street right-of-way or adjoining property,

except thirty (30) feet from any adjoining industrial-zoned property line.⁹

D. Appearance and landscaping.

- (1) Front setback areas shall be used for grass, shrubbery, ornamental trees, standard width driveway and/or sidewalk and shall be maintained in a park like condition at all times. Other land areas, including those at the sides of buildings, shall likewise be maintained in a condition which is compatible with the landscaped front area. Landscaping shall be accomplished within one (1) year of completion of the initial building. Landscaping plans must be approved, in writing, by the Pocomoke City Planning and Zoning Commission.
- (2) All automobiles and truck parking and/or loading areas shall be adequately screened from the road or roads on which the property faces by the construction and proper maintenance of a suitable fence or planting screen. All lessees, tenants or users of any parcel must maintain such landscaping in a condition as to present a pleasing appearance.
- (3) No truck parking, loading or storage areas are permitted in the front of the property.

E. Loading docks. No loading dock shall be located fronting on any street without the written consent of the Pocomoke City Planning and Zoning Commission. Provisions for handling all freight, either railroad or truck, insofar as possible, shall be on those sides of any building which do not face any street or proposed street. Where possible, all loading shall be accomplished in the rear of the premises.

F. Parking. On street parking is not permitted. Adequate parking spaces shall be provided by the owner on the site for all types of vehicles, including those of employees, managerial personnel, visitors and other vehicles associated or used in any manner, whether regularly or temporarily, with respect to the operation of the owner's business. The required parking spaces shall be constructed to provide a dust free and all-weather surface. No parking shall be allowed in front of any building. Parking areas should be landscaped for aesthetic purposes.

G. Grades. No change in grade or elevation of land shall be made without written approval from the Pocomoke City Planning and Zoning Commission.

H. Time limitations. Should building construction not be started in good faith within one (1) year of land purchase, the owner shall resell the land to Pocomoke City at the original price. Once erection of any building is begun, work thereon must be prosecuted diligently and it must be completed within a reasonable time.

I. Storage. No storage is permitted in setback areas. Outside storage of refuse, mobile equipment, tanks, containers, pallets and like materials is permitted only if screened with suitable landscaping, plantings or decorative walls which attractively and adequately screen from view the materials stored. No truck parking or storage area is permitted in the

⁹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

front of the property.

- J. Signs. Signs shall contain only the name of the business, its slogan, trademarks, if any, and brief mention of products or services. Signs may not extend above the principal roof of the building, except that a sign may be attached flat against or painted on a parapet wall not exceeding five (5) feet above such roofline. Freestanding signs may be constructed on the property but may not exceed six (6) feet in height. Total sign area allowed will be up to two (2) square feet per foot of building frontage, up to a maximum aggregate of three hundred (300) square feet in area. No billboard, sign or other advertising device of any character shall be erected, posted, displayed or permitted upon any part of the herein described property, except with the written approval of the Pocomoke City Planning and Zoning Commission.
- K. Fire hazard; nuisances. No part of the land and no building or structure erected thereon shall be used or allowed to be used at any time for the manufacture, storage, distribution or sale of any product which may increase the fire hazard of any adjoining property or which shall cause a nuisance, nor shall any activity be engaged in which injures the reputation of the park or of the neighboring properties.
- L. Maintenance of premises. Premises must at all times be kept in a safe, clean, wholesome condition and comply in all respects with government, health and policy regulations and requirements. All refuse or rubbish of any character whatsoever must be promptly removed and not allowed to accumulate on the premises, notwithstanding the provisions of Subsection I above.
- M. Site coverage. No building shall be erected upon an area in excess of fifty percent (50%) of the parcel upon which it is located, exclusive of required parking, driveways, loading, etc. The Pocomoke City Planning and Zoning Commission reserves the right to modify a minimum ratio of building area to site area in order to make efficient use of the industrial park property.
- N. Building uses. No building shall be constructed or used primarily for residential, retail or commercial purposes. Retailing of merchandise is allowed on site only if it is a secondary use.
- O. Underground wires. All electrical and telephone connections and wires to buildings facing on streets or highways shall be made underground from the nearest pole line, and any transformer required shall not be located on any pole line but shall be placed on the surface and shall be adequately screened and fenced, and all such installations shall be subject to approval by the Pocomoke City Planning and Zoning Commission.
- P. Temporary structures. No structure, covering, garage, barn or other outbuilding of a temporary nature shall be situated, erected or maintained on any parcel on the subject property. This subsection shall not apply to construction buildings and/or storage facilities used during the course of construction of any permanent building which is to be located on the subject property.
- Q. Fences. No hedge, fence or wall shall be grown, constructed or maintained on those portions of any parcel within side or rear yard setback areas that exceeds eight (8) feet in height. No fence, hedge or wall shall be allowed within the front yard setbacks.

- R. Resubdivision. The property shall not be resubdivided until a plan for such proposed resubdivision shall have been submitted and approved pursuant to Chapter 205, Subdivision of Land.
- S. Change of use of property. No use of property other than uses approved by the Pocomoke Planning and Zoning Commission shall be permitted without the review and approval of the Pocomoke City Planning and Zoning Commission.
- T. In the event that any provisions of the within industrial park district code shall be in conflict with any other provision of this chapter, the provisions herein shall control.
- U. Notwithstanding any other provision of this Article, any property in the M-1 Zone which is owned and developed by the City of Pocomoke City need not conform to these requirements.

§ 230-81. Height regulations.

No principal structure shall exceed three (3) stories or forty (40) feet in height. All public and semi-public utility buildings and structures must meet the requirements of § 230-93.

§ 230-82. Prohibited uses.

The following uses shall be prohibited in the M-1 District:

- A. Any use in conflict with any law or regulation of Pocomoke City, Worcester County, the State of Maryland or the United States of America.
- B. Any dwelling, house trailer, school, hospital, church, clinic or other institution for human care, provided that any dwelling, trailer, school, hospital, church, clinic or other institution for human care legally existing in the M-1 District at the time of the enactment of this chapter or any amendment thereto shall not be subject to any of the limitations or other regulations prescribed for nonconforming uses elsewhere in this chapter.
- C. Any of the following uses:
 - (1) Acetylene manufacture in excess of fifteen (15) pounds pressure per square inch.
 - (2) Acid manufacture.
 - (3) Asphalt or tar roofing or waterproofing manufacture.
 - (4) Bleaching powder, ammonia or chlorine manufacture.
 - (5) Celluloid or pyroxylin manufacture or processing.
 - (6) Creosote manufacture or creosoting plant.
 - (7) Disinfectant, insecticide or poison manufacturing.
 - (8) Distillation of bones.
 - (9) Manufacture or storage of explosives, including fireworks.

- (10) Fat rendering.
- (11) Feed manufacturing from refuse or mash.
- (12) Gas generation.
- (13) Glue or size manufacture.
- (14) Lime, gypsum, plaster or plaster of paris manufacture.
- (15) Match manufacture.
- (16) Nuclear materials, production or processing.
- (17) Oil or gas drilling or wells.
- (18) Paper or pulp manufacturing.
- (19) Petroleum refining or reprocessing of petroleum or coal tar products.
- (20) Potash manufacturing.
- (21) Radium extraction.
- (22) Soap manufacturing.
- (23) Soda, soda ash, caustic soda or washing compound manufacture.
- (24) Starch, glucose or dextrine manufacture.
- (25) Sugar refining.
- (26) Tar distillation or manufacturing.
- (27) Turpentine, varnish or shellac manufacture.
- (28) Chicken house for raising chickens or other fowls except chicken hatcheries.
- (29) Billboards, except as provided in § 230-90 or elsewhere in this chapter.
- (30) Fuel depots.
- (31) Metal plating operations.
- (32) Towers.

ARTICLE XII RESERVED

ARTICLE XIII Parking, Loading and Use Regulations

§ 230-85. Off-street loading spaces.

- A. In any business or in any industrial district, in connection with every building or part thereof hereafter erected, improved, altered or extended having a gross floor area of ten

thousand (10,000) square feet or more and which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other use similarly requiring the receipt or dispatch by vehicle of materials or merchandise there shall be provided and maintained on the same lot with such building at least one (1) off-street loading space, plus one (1) additional loading space for each thirty thousand (30,000) square feet, plus two (2) additional loading spaces for each fifty thousand (50,000) square feet, plus three (3) additional loading spaces for each seventy thousand (70,000) square feet.

- B. Each loading space shall be at least ten (10) feet in width, sixty (60) feet in length and fourteen (14) feet in clear height.
- C. Such space may occupy all or any part of any required yard or court space, except a front yard or the required side yard on the street side of a corner lot.
- D. No such space shall be located closer than fifty (50) feet to any lot located in any R District, unless the loading space is wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than six (6) feet in height.

§ 230-86. Off-street parking areas.

- A. In all districts except the B-1 District, in connection with every industrial, commercial, business, trade, institutional, recreational, dwelling or other use, space for parking and storage of vehicles off the streets shall be provided to accommodate its normal parking requirements, as determined by the Zoning Inspector at the time of application for a zoning certificate, but in any case not less than the following:

- (1) Automobiles sales and service garages: one (1) space per two hundred (200) square feet, minimum three (3) spaces.
- (2) Banks, business offices and professional offices other than a doctor's office: fifty percent (50%) of floor area.
- (3) Bowling alleys: five (5) spaces for each alley.
- (4) Churches, schools and day-care centers: one (1) space for each three (3) seats in a principal auditorium or one (1) space for each ten (10) classroom seats or students, whichever is greater.
- (5) Convalescent and nursing homes, community residential facility (group home), assisted living facilities and similar facilities: one (1) space for each four (4) beds, one (1) space for each employee and one (1) additional space an ambulance or other emergency vehicle shall be no smaller than the dimensions required for a handicap parking space. A minimum of one (1) bus parking space located so as to provide safe and convenient loading and unloading of passengers.

Adult day care centers: one space for each four (4) participants, one (1) space for each employee and one (1) additional space for loading and unloading an ambulance or other emergency vehicle. The space for loading and unloading an ambulance or other emergency vehicle shall be no smaller than the dimensions required for a handicap parking space.

- (6) Dance halls and assembly halls: three hundred percent (300%) of floor area used for dancing or assembly.

- (7) Doctor's office: eight (8) parking spaces per doctor.
 - (8) Multifamily dwellings: two (2) parking spaces per dwelling unit. One and one-half (1 1/2) parking spaces for each family or dwelling unit in an age restricted or age qualified development.
 - (9) Funeral homes and mortuaries: twenty (20) spaces or at least one (1) space for each three (3) persons of estimated maximum capacity.
 - (10) Furniture and appliance stores and household equipment or furniture repair shops, over one thousand (1,000) square feet of floor area: one hundred percent (100%) of floor area.
 - (11) Hospitals: one (1) space for each bed.
 - (12) Hotels, motels and lodging houses not located in the B-1 District: one and one-half (1 1/2) spaces for each bedroom.
 - (13) Manufacturing plants: one (1) space for each two (2) employees on the maximum working shift or twenty-five percent (25%) of floor area, whichever is the greater.
 - (14) Restaurants, amusement centers, pool halls, beer parlors and nightclubs: three hundred percent (300%) of floor area.
 - (15) Retail stores, supermarkets, etc., over two thousand (2,000) square feet of floor area: two hundred percent (200%) of floor area.
 - (16) Retail stores, shops, etc., under two thousand (2,000) square feet of floor area: one hundred percent (100%) of floor area.
 - (17) Sports arenas, auditoriums, theaters and assembly halls with fixed seats: one (1) space for each three (3) seats.
 - (18) Commercial or club swimming pools: one (1) space for each three (3) members or each three (3) persons of estimated maximum capacity.
 - (19) Wholesale establishments or warehouses: one (1) space for each two (2) employees or ten percent (10%) of floor area, whichever is greater.
 - (20) Neighborhood shopping centers or mini-malls: one space for each two hundred and fifty square feet of gross floor areas.
- B. In the case of any building, structure or premises the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is most nearly similar shall apply.
- C. Parking spaces, other than residential uses, licensed day-care provider homes in residential zones and other customary home occupations allowed in the R-2 and R-3 Zones and properly approved for conditional use by the Board, shall be designed to prevent motor vehicles from backing onto a public street in order to leave the lot. Each parking space shall be at least nine (9) feet wide and eighteen (18) feet deep.
- D. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be improved and maintained in accordance with the following requirements:

- (1) Every off-street parking area for more than (5) vehicles shall be located at least fifteen (15) feet from every street line and five (5) feet from every residential lot line. The edges of the parking area shall be curbed or buffered, and the space between parking area and street or lot line shall be landscaped and maintained in slightly condition. Where adjoining a street, such landscaping shall consist of grass and low shrubs or ornamental trees; where adjoining a residential lot, it shall include a hedge of sufficient type and height (not less than thirty (30) inches) to protect and screen the adjoining property. If an ornamental wall or fence is installed in lieu of such hedge and accomplishing the same purpose, then the five-foot strip may be omitted.
- (2) Any off-street parking area, including any commercial parking lot, for more than five (5) vehicles, shall be surfaced or kept treated in such manner as may be necessary to prevent any dust nuisance to the neighboring property or the general public, shall be so graded and drained as to dispose of all surface water accumulation within the area and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.
- (3) Any lighting used to illuminate any off-street parking area, including any commercial parking lot, shall be so arranged as to direct the light away from adjoining residential premises and from public streets.
- (4) Handicap parking spaces and dimensions shall be provided in accordance with state law.
- (5) Every parking area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or bump against or damage any wall, vegetation, or structure.

E. The Board of Appeals may authorize, subject to the provisions of § 230-107, a modification, reduction or waiver of the foregoing requirements if it should find that in the particular case appealed the peculiar nature of the residential, business, trade, industrial or other use, or the exceptional shape or size of the property or other exceptional situation or condition, would justify such modification, reduction or waiver.

F. Flexibility in Administration Required

- (1) Pocomoke City recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth in this subsection may result in a development either with inadequate parking space or parking space in excess of its needs.
- (2) Alternative off-street parking standards may be accepted if the applicant can demonstrate that such standards better reflect local conditions and needs.
- (3) Without limiting the generality of the foregoing, the Planning and Zoning Commission may allow deviations from the parking requirements set forth in this subsection when it finds that:
 - (a) A residential development is irrevocably oriented toward the elderly;
 - (b) A business is primarily oriented to walk-in trade.
 - (c) Utilizing gross floor area as a measure of parking demand may over- or

under-state actual need.

- (4) Whenever the Planning and Zoning Commission allows or requires a deviation from the parking requirements set forth in this subsection it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.
- (5) If the Planning and Zoning Commission concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established in this subsection for a particular use classification is erroneous, it shall initiate a request for an amendment to the Table of Parking Requirements in accordance with the procedures set forth in Article XVII.

G. Joint Use of Required Parking Spaces

- (1) The Planning and Zoning Commission may permit one parking area to contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.
- (2) To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally ninety (90) percent vacant on weekends, another development that operates only on weekends could be credited with ninety (90) percent of the spaces on that lot. Or, if a church parking lot is generally occupied only to fifty (50) percent of capacity on days other than Sunday, another development could make use of fifty (50) percent of the church lot's spaces on those other days.
- (3) If the joint use of the same parking spaces by two or more principal uses involves satellite parking spaces, then the provisions of Section H are also applicable.
- (4) In the case of mixed uses (with different parking requirements occupying the same building or premises) or in the case of a joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, except that parking requirements for permitted accessory retail and service uses in a hotel, motel, or motor lodge that contains fifty (50) or more dwelling units may be reduced by the following percentages:
 - (a) Retail sales, offices, service establishments, fifty (50) percent.
 - (b) Restaurants and dining rooms, seventy (75) percent.
 - (c) Ballrooms, banquet halls, meeting rooms, auditoriums, eighty (80) percent.
- (5) Off-street parking areas required for residential use shall not be included in any joint parking arrangement.

H. Satellite Parking

- (1) If the number of off-street parking spaces required by this Ordinance cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or

nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as satellite parking spaces.

- (2) All such satellite parking spaces (except spaces intended for employee use) must be located within three hundred (300) feet of a public entrance of a principal building housing the use associated with such parking, or within three (300) feet of the lot on which the use associated with such parking is located if the use not housed within any principal building. Satellite parking spaces intended for employee use may be located within any reasonable distance. No more than forty (40) percent of the total required spaces are to be located in satellite parking spaces.
- (3) Anyone wishing to take advantage of the provisions of this Section must present satisfactory written evidence that he has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The applicant must also sign an acknowledgment that the continuing validity of his permit depends upon his continuing ability to provide the requisite number of parking spaces.
- (4) All satellite parking spaces shall be located in the same zoning district as the structures or uses served or shall abut at least fifty (50) feet, either directly or across an alley, from the structure or uses served.
- (5) Satellite parking spaces shall be used solely for the parking of passenger automobiles. No commercial repair work or service of any kind shall be conducted, and no charge shall be made for parking. No sign of any kind, other than designating ownership, entrances, exits, and conditions of use, shall be maintained on such satellite parking areas.
- (6) Each entrance and exit to and from such parking area shall be at least twenty (20) feet distant from any adjacent lot line located in any residential zone.
- (7) The satellite parking areas shall be subject to all requirements of this Ordinance concerning surfacing, lighting, drainage, landscaping, screening, and setbacks.

§ 230-87. Filling stations, public garages and parking lots.

- A. No gasoline filling station, public garage or automobile repair shop shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street of the premises of any school, public playground, church, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut, but in no case shall any such gasoline filling station, garage or shop be located within one hundred (100) feet of any of said public, semi-public or institutional buildings or properties. This regulation shall not be interpreted, however, as prohibiting a parking area accessory to and on the premises of the institution itself.
- B. No gasoline filling station or public garage shall be permitted where any oil draining pit or visible appliance for any such purpose, other than filling caps, is located within twelve (12) feet of any street lot line or within twenty-five (25) feet of any R District, except where such appliance or pit is within a building.
- C. On all corner lots, all vehicular entrances to or exits from any gasoline filling station, commercial, customer or employee parking lot for more than five (5) motor vehicles or public garage or automobile repair shop shall be not less than twenty-five (25) feet from the corner property lines extended. No such vehicular entrance or exit, whether on a

corner lot or not, shall exceed forty (40) feet in width at the curbline or thirty (30) feet at the property line.

§ 230-88. Motels.

Every motel shall comply with all sanitary and other requirements prescribed by law or regulation and, in addition:

- A. All buildings shall be distant not less than twenty (20) feet from every property line.
- B. The buildings shall not occupy in the aggregate more than twenty-five percent (25%) of the gross lot area.
- C. No vehicular entrance to or exit from any motel of more than ten (10) units shall be within two hundred (200) feet along streets of a school, public playground, church, hospital, library or institution for dependents or for children, except where such building or property is in another block or fronts on a street on which such motel will have no entrance or exit.
- D. No existing motel or similar establishment shall be enlarged or extended unless the entire establishment is made to conform substantially to all requirements for a new motel.

§ 230-89. Temporary buildings; recreational vehicles.

- A. Temporary buildings and structures, including trailers, for uses incidental to construction work on the premises shall be permitted in any district where such construction is being done by a responsible contractor or builder under a contract having a definite completion date and on condition that such temporary buildings and structures shall be removed upon the completion or discontinuance of construction.
- B. Parking of a residential trailer or mobile home shall be prohibited in any district, except that no more than one (1) licensed trailer or recreational vehicle may be parked and stored in an accessory building or in the rear yard of a principal use only, provided that no living quarters shall be maintained nor any business conducted in such trailer or recreational vehicle while it is parked or stored.

§ 230-90. Billboards and other signs.

Billboards and other outdoor advertising signs and structures, where permitted, shall be subject to the following conditions:

- A. Billboards. Except as otherwise provided herein, no billboard shall be permitted in any district.
- B. Real estate signs. Temporary real estate signs advertising improved property and not exceeding twelve (12) square feet in size shall be set back from the front lot line at least one-half (1/2) the distance required for a principal building on the lot, and no zoning certificate for the erection of such sign shall be required, provided that it conforms to this section and other provisions of this chapter. Other real estate signs shall be set back from every street line at least a distance in feet equal to one-half (1/2) the number of square feet area of the sign, provided that such setback shall be not less than forty (40) feet from the right-of-way line in any R District and not less than the front yard depth required for a principal building in any B or M District; provided, further, that such setback need not be more than one hundred (100) feet.

- C. Signs in general. No billboard, real estate sign, accessory or other sign, sign structure or similar device shall be located so as to obstruct or conflict with traffic sight lines or traffic control signs or signals, especially at traffic intersections. Signs visible from a public road shall not contain the word "stop" or "danger" or otherwise simulate traffic control or other official signs. No lighting shall be permitted of signs or for advertising purposes which is of a flashing, intermittent, rotating or other animated type or which simulates that of any police or emergency vehicle or which tends to blind or distract an approaching motorist or shine directly into any dwelling in any R District.

§ 230-91. Site plans.

- A. All proposed new buildings or other improvements shall be constructed according to an approved comprehensive site plan. No building permit shall be issued for any work in connection with the use or structure until the Planning and Zoning Commission shall have reviewed and approved a site plan for said use or structure. The required documents must be submitted to the City Manager at least fifteen (15) days prior to the next regular meeting of the Planning and Zoning Commission.
- B. The Planning and Zoning Commission shall review the site plan for compliance with Pocomoke City's Comprehensive Master Plan, this chapter and other applicable regulations. The Planning and Zoning Commission may require changes in the site plan or attach conditions or restrictions to coordinate the proposed development with surrounding properties or improve the protection of the public's health, safety and general welfare.
- C. Planning and Zoning Commission approval shall authorize construction only in accordance with the approved site plan. Deviation from the approved site plan or failure to abide by attached restrictions and conditions shall be considered a violation of this chapter.
- D. Site plan standards. The following drafting standards and information shall be required on the site plan as appropriate:
- (1) Drafting standards. The site plan and all supporting drawings shall be prepared on one (1) or more reproducible sheets eighteen by fourteen (18 x 14) inches in size. The plan may be prepared in any conventional scale, provided that all information is clear and legible. The plan shall contain sufficient detail, labeling and dimensions to be easily understood. All lot dimensions shall be based on actual measurements or deed description.
 - (2) General data. The plans shall identify the name and address of the property owner and/or applicant and the general location of the property by use of an insert vicinity map, North arrow, scale, date and zoning classification. The plan shall also bear the signatures of the applicant, the property owner or his or her attorney and the person who prepared the site plan.
 - (3) Layout. The plan shall show all property lines, structures, building entrances, use areas, road access points, vehicular circulation, signs, yard setbacks, drainageways, utility lines, easements, landscaping, exterior lighting, fences, walls and other physical features. Both existing and proposed features shall be shown and labeled as such.
 - (4) Elevations. The plan shall show typical schematic elevations of the major buildings or structures and of any freestanding signs. The elevations shall indicate the type of construction and basic exterior materials and color treatment.

- (5) Relationship to abutting roads and properties. The plan shall show the location of abutting roads, structures, use areas, parking lots, fences, walls, signs and other significant physical features within one hundred (100) feet of the property line.
- (6) General description. Accompanying the site plan shall be a written description of the project and its intended use or operation. Such description shall be typed on sheets eight and one-half by eleven (8 1/2 x 11) inches in size.
- (7) Other data.
 - (a) The Planning and Zoning Commission may require such data, drawings or documentation as it deems necessary to adequately review the application for compliance with the intent and provisions of this chapter.
 - (b) Waiver. The Planning and Zoning Commission may, at its discretion, waive or modify the requirement that the site plan show all property lines when such lines are not necessary to conduct an adequate review of the application.
- E. The Worcester County Forest Conservation Law¹⁰ shall apply to all comprehensive site plans required to be submitted by this section which involve the development of an area of forty thousand (40,000) square feet or greater.
- F. The Worcester County Critical Area Plan shall apply to all Comprehensive Site Plans required to be submitted by this Section 230-91 which involve the development in the area of the City located north of State Route 756, east of Route 113 Bypass annexed by Resolution 270.

ARTICLE XIV Exceptions and Modifications

§ 230-92. Applicability.

The regulations specified in this chapter shall be subject to the exceptions, modifications and interpretations contained in this Article.

§ 230-93. Height regulations.

The building height limitations of this chapter shall not apply to:

- A. Fire or parapet walls, cupolas, steeples, flagpoles, smokestacks, masts, water tanks or other roof superstructures.
- B. Monitors, scenery lofts, penthouses or roof structures for housing elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building.
- C. Monuments, fire towers, hose towers, cooling towers, gas holders, or utility poles which apply to essential services.
- D. Churches, schools, institutional buildings, public utility buildings and structures, not including towers, not less than two hundred (200) feet distant from any R District, provided that for each three (3) feet by which the height of such building or structure

¹⁰ Editor's Note: See Ch. 137, Forest Conservation.

exceeds the maximum height otherwise permitted in the district, its side and rear yard shall be increased in width and depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

- E. Any other building, tower, or structure not listed in these height regulations shall need the approval of the Board of Zoning Appeals.

§ 230-94. Existing lots of record.

In any district where dwellings are permitted, a single-family dwelling may be located on any lot or plot of official record as of the effective date of this chapter and in separate ownership from any adjacent lot, irrespective of its area or width or the width of the street on which it fronts, subject to the following requirements:

- A. The sum of the side yard widths on any such lot or plot must be thirty percent (30%) of the width of the lot, but in no case shall any one (1) side yard be less than ten percent (10%) of the width of the lot.
- B. The depth of the rear yard on any such lot must be thirty percent (30%) of the depth of the lot, but in no case shall it be less than fifteen (15) feet.

§ 230-95. Lot area.

- A. Any lot or other premises not connected to the public water and sewer systems shall be subject to the following minimum lot requirements in all districts, unless a greater requirement is specified elsewhere in this chapter:

Type of Connection	Lot Area (square feet)	Lot Width (feet)
Public sewer connection only	10,000	80
Public water connection only	15,000	100
Not connected to either	20,000	100

- B. No lot shall have a chemical toilet or other toilet of any kind not connected either to the public sewer system or to a private disposal facility approved by the proper health authorities, except where installed temporarily for use in connection with a construction project.

§ 230-96. Front yards.

Where a building is to be located between two (2) existing principal buildings in the same block front and within two hundred (200) feet of them, the front yard requirement for the proposed building shall be the average of those provided by the two (2) existing buildings. The forward most wall of the proposed building shall be located at the front yard line so established. In the case of a corner lot, the proposed building shall be set in line with the building next adjoining and within two hundred (200) feet. In either case, however, no front yard shall be less than fifteen (15) feet in any R District or ten (10) feet elsewhere.

§ 230-97. Through lots.

Buildings on lots extending through from street to street shall provide the required front yard on both streets but need not provide the required rear yard in the case where an equivalent open space is provided in lieu of such required rear yard.

§ 230-98. Rear and side yards.

- A. In computing the depth of a rear yard or the width of a side yard where the rear or side yard opens on an alley, one-half (1/2) of the alley width may be included as a portion of the rear or side yard, as the case may be.
- B. Each side yard shall be increased in width by two (2) inches in any R District for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds forty (40) feet.
- C. The side yard width may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case the average width of the side yard shall not be less than the otherwise required least width; provided, however, that such side yard shall not be narrower at any point than one-half (1/2) the otherwise required least width or narrower than three (3) feet in any case.
- D. Where a corner lot rears upon the side of another lot in an R District, either directly or across an alley, the side yard on the street side of the corner lot shall have a width equal to not less than one-half (1/2) the required depth of the front yard on the lot in the rear.

§ 230-99. Other exceptions to yard requirements.

- A. The following architectural features may project into required yards or courts as hereinafter set forth:
 - (1) Into any required front yard, rear yard, outer court or required side yard adjoining a side street lot line:
 - (a) Cornices, eaves or other architectural features may project a distance not exceeding two (2) feet.
 - (b) Fire escapes may project a distance not exceeding four (4) feet.
 - (c) An uncovered stair and necessary landings may be a distance not to exceed four (4) feet.
 - (d) Bay windows, balconies and chimneys may project a distance not exceeding three (3) feet, provided that such features do not occupy in the aggregate more than one third (1/3) of the length of the wall on which they are located.
 - (2) Subject to the conditions specified above, the above named features may project into any required side yard adjoining an interior side lot line a distance not to exceed one fifth (1/5) of the width of such side yard, but not to exceed four (4) feet in any case.
- B. Fences, walls and hedges may be located in required yards or courts, subject to the limitation in Article IV and the following:
 - (1) Fences, walls or hedges not exceeding at any point four (4) feet in height above the elevation of the ground at such point may be located in any yard or court, except that on a corner lot no such fence, wall or hedge may be located in the front yard exceeding two and one-half (2 1/2) feet in height above the elevation of the ground.

- (2) Fences and walls not exceeding at any point six (6) feet in height above the elevation of the ground at such point may be located in any rear yard or side yard area, provided that on a reversed corner lot no such fence, wall or hedge shall be closer to the side street lot line, within twenty-five (25) feet of the side lot line of an adjoining lot to the rear, than a distance equal to the least depth of the front yard required for a one story building on such adjoining lot.

ARTICLE XV Administration and Enforcement

§ 230-100. Zoning Inspector; licenses and permits.

- A. The office of Zoning Inspector is hereby established. The City Manager or his or her designee shall serve as Zoning Inspector. The Mayor and Council, at their discretion, may arrange for the sharing of a Zoning Inspector with Worcester County or with another municipality in the county, provided that such Inspector shall be responsible to the City Manager for any zoning certificate issued or action taken with respect to the administration and enforcement of this chapter.
- B. It shall be the duty of the Zoning Inspector to administer and cause the enforcement of the provisions of this chapter in accordance with its administrative provisions. All municipal officials and employees who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter and shall issue no permit or license for any use, building or purpose if the same would be in conflict with the provisions of this chapter. Any permit or license issued in conflict with the provisions of this chapter shall be null and void.

§ 230-101. Zoning certificates and building permits.¹¹

- A. Except as otherwise provided herein, it shall be unlawful to locate, erect or begin the construction, reconstruction, extension, conversion or structural alteration of any building or structure or to begin the excavation there for or the construction of a well or sewage disposal system, other than the reconstruction, replacement or extension of any existing well or sewage disposal system, without first applying for a zoning certificate there for. Likewise, it shall be unlawful to use or permit the use of any building or land or part thereof hereafter created or erected, wholly or partly, or to change the use or permit the change of use of any building, structure or land until a zoning certificate (together with special use permit, where required) shall have been issued by the Zoning Inspector. Such zoning certificate shall show that the building or other structure or part thereof and the proposed use thereof, or the proposed use of the land or premises, conform to the provisions of this chapter. It shall be the duty of the Zoning Inspector to issue such zoning certificate if he or she finds to his or her satisfaction that the building, structure, premises and proposed use thereof conform to all the requirements herein set forth.
- B. Application for a zoning certificate shall be made to the Zoning Inspector coincident with the application for a building permit where such is required. Every application for a zoning certificate, whether in connection with a building permit or not, shall be accompanied by a drawing approximately to scale showing the shape and dimensions of the lot to be used or built upon, the size and location on the lot of every existing building and structure and its driveways, the existing and intended use of the premises and of each building or part thereof and such other information with regard to the lot and its

¹¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

neighboring lots, buildings and uses as may be necessary to determine and provide for the administration and enforcement of this chapter.

- C. Issuance of a zoning certificate shall be withheld until the building or the necessary work thereon has been completed in accordance with the provisions of this chapter. No work shall be commenced, however, before the issuance of a building permit there for showing that application has been made for a zoning certificate and that the building or part thereof and the proposed use thereof conform to the provisions of this chapter. No construction work shall be started before the lot and the location thereon of the projected building or other improvements have been staked out on the ground and have been inspected by the Zoning Inspector.
- D. A building permit issued in accordance with the provisions of this chapter shall become void twelve (12) months after the date of its issuance if the construction for which it was issued has not been started or has been substantially discontinued. Once the permit becomes void, reapplication must be made.
- E. Upon written request from the owner or tenant, the Zoning Inspector shall issue a zoning certificate for any building or premises lawfully existing at the time of enactment of this chapter certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this chapter. Application for such certificate shall be made within twelve (12) months after the date of enactment of this chapter.
- F. A filing fee shall accompany each application for a zoning certificate, in such amount as may be determined by the Mayor and Council.

§ 230-102. Violations and penalties.

- A. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any regulation in or any provision of this chapter or any amendment or supplement thereto, or to fail to comply with any reasonable requirement or condition imposed by the Board of Appeals. Any person, firm or corporation violating the provisions of this chapter or of any amendment or supplement thereto shall be guilty of a misdemeanor and shall be punished as provided in the general penalty provisions of § 1-18 of this Code. Each day of failure to comply with any provision shall constitute a separate violation.¹²
- B. All zoning certificates and building permits shall be revocable for failure to comply with all applicable requirements and conditions.

§ 230-103. Additional remedies.

In case any building is or is proposed to be located, erected, constructed, reconstructed, altered, repaired, converted, maintained or used or any land is or is proposed to be used in violation of this chapter or any amendment or supplement thereto, the Mayor and Council, the Zoning Inspector or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, restrain, correct or abate such unlawful location, maintenance or use, to prevent the occupancy of said building or land or to prevent any illegal act, conduct, business or use in or about such premises.

¹² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

ARTICLE XVI Board of Appeals

§ 230-104. Appointment; terms of office; vacancies; powers and duties; qualifications.¹³

In compliance with the provisions of § 4.07 of Article 66B of the Annotated Code of Maryland, as amended, a Board of Appeals is hereby established. The appointment, terms of office, succession, removal, filing of vacancies and the powers and duties of the members of the Board shall all be as provided in said Article; provided, however, that the persons appointed to the Board of Appeals shall be selected for their understanding of and appreciation for zoning principles, knowledge of conditions in the community and of its planning objectives and policies, general civic interest, as opposed to special or private interest, and a fair judicial approach. The Board of Appeals shall consist of five (5) members and one (1) alternate and one (1) temporary alternate as may be designated by the Mayor and Council.

§ 230-105. Organization; records; assistance.

- A. The Board shall be organized in accordance with the provisions of this chapter. Meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine. The Chair or, in his or her absence, the acting Chair may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the Board and shall be a public record.
- B. The Board may call upon any city official or department head for assistance in the performance of its duties, and it shall be the duty of such officers to render such assistance to the Board as may reasonably be required.
- C. It shall be the duty of the Zoning Inspector or designee to serve as Secretary and administrative officer for the Board of Appeals. One (1) of his or her duties shall be to investigate each case and prepare a report thereon for the information and assistance of the Board.

§ 230-106. Appeals.

- A. Application, when and by whom taken. An application, in cases in which the Board has original jurisdiction under the provisions of this chapter, may be made by any property owner or contract purchaser or by a governmental officer, department, board or bureau. Such application shall be filed with the Zoning Inspector, who shall transmit the same to the Board.
- B. Appeals, when and by whom taken. An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days from the date of the written decision by filing with the Zoning Inspector and with the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall transmit to the Board all papers constituting the record upon which the action appealed from was taken.
- C. Fees. A nonrefundable filing fee shall accompany each application or appeal to the Board, as may be determined by the Mayor and Council.

¹³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- D. Hearings. The Board shall fix a reasonable time for the hearing of the application or appeal, shall give at least ten (10) days' notice of the time and place of such hearing in a newspaper of general circulation in the community and to the parties in interest, shall cause the property to be posted conspicuously with a notice of the hearing and shall decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.
- E. Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board, after notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board or by a court of record, on application, after notice to the Zoning Inspector and on due cause shown.
- F. Action of the Board. In exercising its powers, the Board may, in conformity with the provisions of statute and of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.
- G. Repeated applications. If an application or appeal is disapproved by the Board of Appeals, thereafter the Board shall not be required to consider another application for substantially the same proposal on the same premises until after one (1) year from the date of such disapproval. If an appeal to the Board is perfected and the public hearing advertised and thereafter the applicant withdraws the application or appeal, he or she shall be precluded from filing another application or appeal for substantially the same proposal on the same premises for one (1) year.
- H. Court review. Any person or persons jointly or severally aggrieved by any decision of the Board of Appeals or any taxpayer, officer, department, board or bureau of the city may appeal the same to the Circuit Court for Worcester County. If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the Court with his or her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made. The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Appeals from such determinations may be taken to the Court of Appeals as provided by law.

§ 230-107. Powers and duties of Board of Appeals.

- A. Administrative errors. The Board of Appeals shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter.
- B. Interpretation and adjustment of Zoning Map and district lines.¹⁴ The Board may determine, after notice to the owners of the properties affected and after public hearing, boundaries of districts as follows:
 - (1) Where the street or lot layout actually on the ground or as recorded differs from the street or lot lines shown on the Zoning Map, the Board shall interpret the map

¹⁴ Editor's Note: The Zoning Map is on file in the office of the Zoning Inspector.

in such a way as to carry out the intent and purpose of this chapter for the particular section or district in question.

- (2) Where the boundary line of a district divides a lot held in a single ownership on the effective date of this chapter, the Board may permit the extension of a district, but not more than two hundred (200) feet beyond said boundary line.
- C. Temporary uses. The Board may authorize the temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by this chapter for the district in which it is located, provided that such use is of a temporary nature and does not involve the erection of substantial buildings. Such certificate shall be granted in the form of a temporary and revocable permit for not more than a twelve-month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.
- D. Conditional uses and special exceptions.
- (1) The Board shall have the power to hear and decide applications for conditional uses or for decisions upon other special questions on which the Board is authorized by this chapter to pass. All such applications shall be deemed to be for special exceptions authorized by § 4.07 of Article 66B of the Annotated Code of Maryland.¹⁵
 - (2) In addition to permitting the conditional uses and exceptions hereinbefore specified, the Board shall have the power to permit the following conditional uses and special exceptions:
 - (a) A business use in any R District next to a nonconforming business or industrial use or between two (2) such uses.
 - (b) On a lot adjoining or in a building adjoining any nonconforming use, a use of the next higher classification.
 - (c) Within any district, the disposal of wastes by the sanitary landfill method.
 - (d) A sewage disposal plant in any district, when such location is necessary and unavoidable, and provided that all reasonable protection is afforded to adjacent properties by means of location, design, screening or otherwise.
 - (e) A business use in any R District, on a lot that adjoins an M District on one (1) side, but not extending more than one hundred (100) feet from the district line.
 - (3) In considering an application for a conditional use or other exception, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and in authorizing any such use or exception the Board may impose such requirements and conditions as to location, construction, equipment, operation and maintenance, in addition to those expressly stipulated in this chapter for the particular use or exception, as the Board may deem necessary to prevent or reduce hazardous or congested traffic conditions, odor, dust, smoke, gas, noise or similar nuisances, and it may impose such other conditions and requirements as may be necessary in its opinion to protect adjacent properties and neighborhoods and prevent conditions which may become obnoxious or

¹⁵ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

offensive. In authorizing a conditional use or exception, subject to compliance with certain conditions, the Board may require from the owners, lessees or tenants of the property for which the conditional use or exception is granted such evidence, written agreement, guaranty or bond as it may deem necessary to ensure that the conditions stipulated by the Board are being and will be complied with. Any such written agreement may be required by the Board to be recorded among the land records of Worcester County at the expense of the applicant.

E. Nonconforming uses. The Board may authorize the issuance of a zoning certificate, after public hearing, for any of the following:

- (1) The substitution for a nonconforming use of another nonconforming use if no structural alterations are made except those required by law or regulation; provided, however, that in an R or B District no change shall be permitted to any use prohibited in an M-1 District.
- (2) The extension of a building devoted to a nonconforming use or the construction of additional buildings or the extension of a nonconforming use of land where any such extension is necessary and incidental to the continuation of the existing use but is not authorized by § 230-15C(1). No such extension or addition shall be deemed to extend or otherwise affect the date when such nonconforming use or building must be changed or removed, if subject to any of the provisions of § 230-15B.

F. Variances. Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this chapter or by reason of exceptional topographical conditions or other extraordinary situation or condition of such piece of property or of the use or development of property immediately adjoining the piece in question, the literal enforcement of the requirements of this chapter would involve practical difficulty or would cause unnecessary hardship, unnecessary to carry out the spirit and purpose of this chapter, the Board shall have the power, upon appeal in specific cases, filed as hereinbefore provided, to authorize such variance from the terms of this chapter as will relieve such hardship so that the spirit and purpose of this chapter shall be observed and substantial justice done. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of this chapter and in the public interest. In authorizing a variance, with attached conditions, the Board may require such evidence and guaranty or bond as it may deem necessary that the conditions attached are being and will be complied with.

- (1) No such variance in the provisions or requirements of this chapter shall be authorized by the Board unless the Board finds, beyond reasonable doubt that all the following facts and conditions exist:
 - (a) That there are exceptional or extraordinary circumstances or conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties or classes of uses in the same zoning district.
 - (b) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
 - (c) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of this chapter or the public interest.

- (2) No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property, or the intended use of said property, for which variance is sought, one or the other or in combination, is not of so general or recurrent a nature as to make reasonably practicable the formation of a general regulation for such condition or situation, to be adopted by the Mayor and Council as an amendment to this chapter.

§ 230-108. Guidelines for decisions by the Board.

Where in this chapter certain powers are conferred upon the Board of Appeals or the approval of the Board of Appeals is required before a permit may be issued or the Board is called upon to decide certain issues, such Board shall study the specific property involved and the neighborhood, cause the property to be posted in a conspicuous place, hold a public hearing and consider all testimony and data submitted, and it shall hear any person for or against the issuance of the permit. However, the application for permit shall not be approved where the Board finds the proposed building, addition, extension of building or use, sign, use or change of use would adversely affect the public health, safety, security, morals or general welfare or would result in dangerous traffic conditions or would jeopardize the lives or property of other people in the neighborhood. In deciding such matters, the Board shall give consideration, among other things, to the following:

- A. The purpose, application, interpretation and standards of these regulations as set forth in Article I.
- B. Decisions of the Circuit Court for Worcester County and the Court of Appeals of Maryland.
- C. The orderly growth and improvement of the neighborhood and community.
- D. The most appropriate use of land and structures in accordance with a comprehensive plan.
- E. Facilities for sewers, water, schools, traffic, transportation and other services and the ability of the city or other public agency to supply such services.
- F. The limitation of fire-fighting and rescue equipment and the means of access for fire and police protection.
- G. The probable effect of such use upon the peaceful enjoyment of people in their homes.
- H. The number of people residing, working or studying in the immediate vicinity.
- I. The type, character and use of structures in the vicinity, especially where people are apt to gather in large numbers, such as in schools, churches, theaters and the like.
- J. Traffic conditions, including facilities for pedestrians, such as sidewalks and safety zones, and parking facilities available and the access of cars to highways.
- K. The preservation of cultural and historic landmarks.
- L. The conservation of property values.
- M. The probable effect of odors, dust, gas, smoke, fumes, vibration, glare or noise upon the uses of surrounding properties.

- N. The contribution, if any, such proposed use, building or addition would make toward the deterioration of areas and neighborhoods.

§ 230-109. Effect of approval.

Where the Board approves an exception, variance or other application or appeal under these regulations, such approval shall not change the use classification of the building or premises nor give it any status as a nonconforming use other than it may already have had nor qualify any adjacent property for any special treatment, such as an exception or variance, nor shall there be another change of use without approval of the Board.

ARTICLE XVII District Changes and Other Amendments

§ 230-110. Amendments authorized.

- A. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Mayor and Council may, by ordinance, after recommendation by the Planning and Zoning Commission and subject to the procedure set forth in this Article, amend, supplement or change the regulations, district boundaries or classifications of property now or hereafter established by this chapter or amendments thereof. Such amendment, supplement or change may be initiated by resolution of the Mayor and Council, by motion of the Planning and Zoning Commission or by petition of any property owner or contract purchaser addressed to the Mayor and Council.
- B. The Mayor and Council hereby express their recognition of the fact that sections of the community are changing from a rural to a residential, commercial, industrial or other character, and, although an attempt has been made in the Land Use Plan to anticipate and direct such growth along desirable lines, it is inevitable that no such plan can be perfect or everlastingly valid. They anticipate, therefore, that the Land Use Plan will need amending from time to time as contemplated and authorized by § 4.05 of Article 66B of the Annotated Code of Maryland, and that the Zoning Map must also be amended from time to time in order that it may continue to be in conformity with such Comprehensive Plan, as required by §§ 3.05 through 3.09 of said Article 66B.¹⁶

§ 230-111. Amendment procedure.¹⁷

- A. Any proposed amendment, supplement or change originating with or received by the Mayor and Council shall first be referred to the Planning and Zoning Commission for investigation and recommendation. The Planning and Zoning Commission shall cause such investigation to be made as it deems necessary and for this purpose may require the submission of pertinent data and information by any person concerned, may hold such public hearings as are provided by its own rules and shall submit its report and recommendation within sixty (60) days, unless an extension of time is granted.
- B. After receiving the recommendation of the Planning and Zoning Commission on any proposed amendment, supplement or change and before adopting such amendment, the Mayor and Council shall hold a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing and a summary of the proposed change shall be published in a newspaper

¹⁶ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

¹⁷ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

of general circulation in the community once each week for two (2) successive weeks, with the first such publication of notice appearing at least fourteen (14) days prior to the hearing. If the purpose of the proposed ordinance is to change the classification or boundary of any specific individual property, the property so affected shall be posted with a notice of the hearing. The property owner will be notified of the proposed change by mail by the City Clerk. The change shall not become effective until ten (10) days after the public hearing.

- C. No substantial change in or departure from the proposed amendment as recommended by the Planning and Zoning Commission shall be made unless the same shall be resubmitted to said Commission for its further recommendation.
- D. A nonrefundable filing fee shall be charged for processing an application for a change in zoning, as may be determined by the Mayor and Council.
- E. Every application for a change in zoning district boundaries shall be accompanied by a plat, drawn to such scale as the Zoning Inspector shall require, showing the existing and proposed boundaries and such other information as he or she may need to enable him or her to properly locate and plot the amendment on the official Zoning Map. It shall be the duty of the Zoning Inspector to change the official Zoning Map promptly upon the adoption of any amendment so that there will always be an up-to-date public record of the zoning districts.¹⁸

¹⁸ Editor's Note: The Zoning Map is on file in the office of the Zoning Inspector.